



## Agenda Report

19-1007

Agenda Date: 11/19/2019

### REPORT TO COUNCIL

#### **SUBJECT**

Adopt a Resolution Calling and Giving Notice of a Special Municipal Election to be Held on Tuesday, March 3, 2020, for a Vote on One Ballot Measure that, if passed, Would Amend Sections 600, 700.1 and 700.2 of the Santa Clara City Charter; Requesting the Consolidation of the Special Municipal Election with the Statewide Presidential Primary Election to be Held in Santa Clara County on March 3, 2020; and Directing the City Attorney to Prepare the Impartial Analysis

#### **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 with 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. Currently, the City Charter still states that City Councilmembers are to be elected “at-large, by seat.”

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?”*

Santa Clara voters approved Measure N, with 70.4% of the vote, on Nov. 6, 2018.

In July 2019, the City Council appointed a 7-member Charter Review Committee (Committee) charged with conducting public outreach and making recommendations related to district elections and a potential ballot measure.

Over a four-month period the Committee held five formal public input sessions, five informal listening sessions, received 259 survey responses (on-line and paper) regarding district elections, received seven e-mails and conducted individual outreach in the community. The survey responses and emails received can be viewed in Attachment 1.

The City Council reviewed and approved all the recommendations made by the Committee at its November 5, 2019 meeting. The Committee recommendations can be viewed in Attachment 2.

#### **DISCUSSION**

Following City Council direction, the City Attorney and City Clerk drafted the following Ballot Question:

<b>DISTRICT COUNCIL ELECTIONS.</b> Shall the City Charter be amended to elect city council members by district, excepting the mayor, as follows: for the 2020 election to establish six districts for the election of one council member to represent each district; and, beginning in 2022 to establish three districts for the election of two council members to represent each district; and to require an independent redistricting committee?	Yes	
	No	

The City Attorney and City Clerk also drafted the language of the Charter amendment to be submitted to the voters. The full text of the Charter amendment appears in Exhibit A to Attachment 3. The proposed Charter language will require a six-district council election under the map ordered by the judgment of the superior court for the election to be held in November 2020. A copy of City Council Resolution No. 18-8585 which includes the judgment and the six-district map ordered by the court is attached for reference as Attachment 4.

The Charter language also requires that in elections beginning in 2022 and thereafter councilmembers will be elected under a three-district map with 2 councilmembers representing each district. The three-district map will be drawn by an independent districting committee that will follow state and federal law in drawing the district boundaries.

In order to submit the proposed Charter amendments to the voters of the City of Santa Clara at a Special Municipal Election, the City Council must adopt a Resolution. By adopting this Resolution, one City of Santa Clara ballot measure will appear on the Statewide Presidential Primary Election on March 3, 2020.

Accordingly, included for City Council consideration in the Resolution is formally calling the special election, requesting that the special election be consolidated with the Statewide Presidential Primary Election, submitting the measure to voters and authorizing certain related actions, including directing the City Attorney to prepare an impartial analysis of the measure.

### **Ballot Arguments and Impartial Analysis**

The City Council determines whether the Council or members of the Council authorized by the Council will draft the argument supporting the ballot measure, or whether it will instead allow a third party to do so. The City Charter and the California Elections Code authorize, but do not require, the City Council to write the argument in support of the ballot measure to establish District Elections.

If the City Council chooses to write the ballot argument, it should designate a maximum of three Council Members to draft the argument. These designees would prepare and sign the argument and submit it to the City Clerk. Alternatively, the Council can designate the Mayor to sign on behalf of the entire Council. A total of five individuals and/or organizations may sign the ballot argument, and the Council may designate which individuals or organizations fill any available signature slots.

If the City Council decides not to draft the argument itself, any registered voter or bona fide association of citizens may submit a proposed argument to the City Clerk. If the City Clerk receives

multiple proposed arguments, the City Clerk shall select one of the arguments in adherence to Elections Code § 9287. Ballot arguments must be submitted no later than December 3, 2019, 5:00 p.m., to the City Clerk and rebuttal arguments must be submitted no later than December 13, 2019, 5:00 p.m., to the City Clerk. The City Attorney shall draft an impartial analysis on the measure, which is also due December 3, 2019, 5:00 p.m., to the City Clerk.

### **Voter Education and Outreach**

Should the Council submit a ballot measure for the March 2020 primary election, a Communications Outreach plan will be created that will utilize the many public outreach channels available to Santa Clara residents, including the following:

- City website and e-Notify
- Social Media (Facebook, Twitter, NextDoor)
- Government Access Channels
- Press Release
- Publication of ad in local and ethnic media outlets
- Postcard mailers to all Santa Clara residents
- Flyer distribution to City facilities
- Flyer email distribution to constituent database and community leaders/groups
- Utility bill inserts
- Translation of materials in eight languages including, Chinese, Hindu, Korean, Japanese, Portuguese, Spanish, Tagalog and Vietnamese

### **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 Registrar of Voters (ROV) has estimated the cost for the March 3, 2020 election to be approximately \$185,000. In addition to this amount would be approximately \$60,000-\$70,000 of costs associated with printing, translation services, publishing notices and other related costs for a total of approximately \$250,000. These costs are included in the existing City budget.

### **COORDINATION**

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

### **RECOMMENDATION**

Adopt a Resolution Calling and Giving Notice of a Special Municipal Election to be held on Tuesday, March 3, 2020, for a vote on one Ballot Measure that, if passed, would amend Sections 600, 700.1 and 700.2 of the Santa Clara City Charter; Requesting the consolidation of the Special Municipal Election with the Statewide Presidential Primary Election to be held in Santa Clara County on March 3, 2020; and directing the City Attorney to prepare the impartial analysis; and authorize the City Manager to take other related actions necessary.

Approved by: Hosam Haggag, City Clerk

**ATTACHMENTS**

1. Public Input Received as of October 17, 2019
2. Charter Review Committee Recommendations
3. Resolution
5. Resolution No. 18-8585