

MEASURE Q

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Q

This ballot measure would amend Santa Clara City Charter Section 703 to modify the way vacancies in each of the City of Santa Clara's elective offices are filled in two respects. First, any appointments by the City Council to fill vacancies occurring in the offices of Mayor, City Council, Chief of Police or City Clerk would be filled by a four-fifths (4/5) vote of the City Council, as opposed to a simple majority. Second, this measure would modify the time served by those appointed or elected to fill a vacancy. Under the existing provisions of Charter Section 703, all those appointed or elected to fill vacancies serve through the unexpired term of the former incumbent. This measure would modify this procedure in cases when vacancies occur in the first half of a term of office to follow state law applicable to general law cities. Specifically, in the case of vacancies occurring in the first half of a term of office and within a minimum time (130 days) before the next general municipal election, the person appointed or elected to fill the vacancy would only hold office until such general municipal election. The person elected to fill the vacancy at that election would then serve through the unexpired balance of the term of the vacated office.

A "Yes" vote would serve to require a four-fifths (4/5) vote of the City Council to fill vacancies in any of the City's elected offices, as well as change the time served by a person appointed or elected to fill vacancies occurring in the first half of a term. A "No" vote would serve to leave the existing provisions in the Charter for filling vacancies as is.

This measure was placed on the ballot by action of the Santa Clara City Council on July 19, 2016.

Richard E. Nosky, Jr.
City Attorney

COMPLETE TEXT OF MEASURE Q

Sec. 703 Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a majority four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

ARGUMENT IN FAVOR OF MEASURE Q

A cornerstone of democracy is people directly electing their representatives. An elected official in the City of Santa Clara serves a term of 4 years. But what happens when they resign before their term is up? Currently, if one of our city's elected officials resigns, a replacement is appointed by the city council for the rest of the term.

The Charter Review Committee felt that our community should have a voice in who we want to lead our city, including when a seat is vacated early! The voters in our community deserve to be represented by elected officials that share our values and beliefs. **This measure will ensure that any vacancy will be filled by the will of the voters at the next general election.**

Until the next general election, it is important to have a full set of officials to more effectively conduct city business. This measure also allows the council to fill the vacancy by appointment until the next general election with a four-fifths (4/5) vote of the council. This change motivates the council members to appoint someone they can all work with.

The changes in this measure ensure that our elected officials better reflect the voice of our community.

We urge you to support this measure. Please vote YES on Measure Q.

/s/ Beverly Silva
Charter Review Committee Chairperson

/s/ Jodi Muirhead
Charter Review Committee Member

/s/ Hosam Haggag
Charter Review Committee Member

/s/ Howard A. Myers
Charter Review Committee Member

/s/ Brian P. Lowery
Charter Review Committee Member

NO ARGUMENT AGAINST MEASURE Q WAS SUBMITTED