

**CITY OF SANTA CLARA  
MEASURE A**

Shall an amendment to the City Charter providing that the City Clerk position be appointed by the City Manager be adopted?

**Supporters:** SudsJain,Councilman; KarenHardy,Councilwoman;  
RajChahal,Councilman; JeffHouston,CharterReviewChair;  
ClystaSeneyCharterReview.

**Opponents:** Police Chief Nikolai; Judy Hubbard, SC Senior  
Advisory Cmsnr; Jeremy Schmidt, SC POA; Mayor Gillmor;  
Councilmember Watanabe.

**Yes**  
**No**

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
MEASURE A**

**Ballot Measure Summary**

Under the City of Santa Clara Charter, the City Clerk is an elected position with a four-year term. The City Council placed this measure on the ballot for city voters to determine if the Charter should be amended to change the position from an elected position to a position appointed by the City Manager.

A "yes" vote on this measure means the City Clerk position will become a position appointed by the City Manager.

A "no" vote means the City Clerk will remain an elected position.

**Current Provisions in the Charter**

Since 1953, the City's Charter has provided that the City Clerk is to be elected by the voters for a term of four (4) years. [Charter Section 600] There is no limit on the number of four-year terms the elected City Clerk can serve.

As with other elected positions, the Charter requires an elected City Clerk to be a city resident and a registered voter. [Charter Section 600] The Charter provides no additional eligibility requirements for the elected City Clerk.

The powers and responsibilities of the City Clerk include the following: (1) maintain accurate records of Council meetings; (2) publish, certify and maintain all ordinances and resolutions; (3) maintain all written agreements and official bonds; (4) make records available for public inspection; (5) be the custodian of the city seal; (6) administer oaths of office; and (7) have charge of all city elections. [Charter Section 903]

The City Charter authorizes the City Council to appoint another City employee to perform duties of the City Clerk. The Council has exercised this authority through provisions in City Code Sections 2.20.020 and .030. Pursuant to these sections, the elected City Clerk retains responsibilities as custodian of the City seal and as the City's elections official; however, the Assistant City Clerk is assigned the duty to perform all other City Clerk responsibilities.

**Proposed Revisions to the Charter**

If approved, the proposed Charter amendments would remove provisions that make the City Clerk an elected position and replace them with provisions requiring the City Manager to appoint future City Clerks. As a result, existing Charter provisions requiring City's elected officials be city residents and registered voters, would no longer apply. Existing

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
MEASURE A-Continued**

provisions specifying certain City Clerk powers and duties would remain. The City Manager would have the authority to supplement, but not contradict, these powers and responsibilities.

Consistent with the City Manager's role as the appointing authority for department heads, it is expected that the City Manager will develop new job qualifications and standards for the appointed City Clerk position. This new job specification would be added to the City's existing employee compensation and classification system. As a City Manager appointee, the City Clerk would be "at will" serving at the discretion of the City Manager.

If the proposed measure passes by majority vote, future City Clerks will be appointed by the City Manager. In transition, the current City Clerk will serve the remainder of his term through December 17, 2024. Thereafter, or if a vacancy occurs before December 17, 2024, the City Manager will appoint the new Clerk.

If the proposed measure does not pass by majority vote, the City Clerk position will remain elected.

/s/ Glen R. Googins  
City Attorney, City of Santa Clara

## COMPLETE TEXT OF MEASURE A

Charter Amendment Measure  
Proposed Additions Shown as Underline  
Proposed Deletions Shown as ~~Strikethrough~~

That the citizens of the City of Santa Clara do hereby enact the following amendments to the City Charter.

Section 1. Section 600 of the Charter of the City of Santa Clara, entitled "City elected officers", is amended to be read as follows:

### **Sec. 600 City elected officers.**

No person shall be eligible to hold the elective office of Mayor or Chief of Police Department ~~or City Clerk~~, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.

In order to hold the elective office of Mayor or Chief of the Police Department ~~or City Clerk~~ a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resident of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

The elective officers of the City shall consist of a City Council composed of seven members; and the Chief of the Police Department ~~and the City Clerk~~. The Mayor and the Chief of the Police Department ~~and the City Clerk~~ shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve a term of four years, and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council office at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor

## COMPLETE TEXT OF MEASURE A-Continued

may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any Council office other than the one which he or she holds. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

Section 2. Section 703 of the Charter of the City of Santa Clara, entitled "Vacancies", is amended to be read as follows:

### **Sec. 703 Vacancies.**

A vacancy in any elective office of the City, including Mayor, City Council, and Chief of Police Department, ~~and City Clerk~~, from whatever cause arising, shall be filled by appointment by the City Council by a 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. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

Section 3. Section 802 of the Charter of the City of Santa Clara, entitled "Powers and duties", is amended to be read as follows:

### **Sec. 802 Powers and duties.**

The City Manager shall be chief executive officer and the head of the administrative branch of the City government. He/she shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, including the City Clerk, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

## COMPLETE TEXT OF MEASURE A-Continued

(c) Manage the City-owned water and power departments in a business-like manner, charging equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.

(d) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable.

(f) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.

(g) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by him/her.

(h) Perform such other duties as may be prescribed by this Charter or required by him/her by the City Council, not inconsistent with this Charter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Section 4. Section 900 of the Charter of the City of Santa Clara, entitled "Officers to be appointed by the City Council and by the City Manager", is amended to be read as follows:

### **Sec. 900 Officers to be appointed by the City Council and by the City Manager.**

In addition to the City Manager, the City Council shall appoint and affix the compensation for the City Attorney and City Auditor who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.

All other officers and department heads of the City, including the City Clerk, shall be appointed by the City Manager and shall serve at the pleasure of the City Manager at compensation fixed by the City Council. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Section 5. Section 903 of the Charter of the City of Santa Clara, entitled "City clerk; powers and duties", is amended to be read as follows:

### **Sec. 903 City clerk; powers and duties.**

The City Clerk shall have the power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purposes;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

## COMPLETE TEXT OF MEASURE A-Continued

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;

(e) Be the custodian of the seal of the City;

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records; and

(g) Have charge of all City elections.

~~The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.~~

Section 6. Effective Date. The currently-seated City Clerk will serve out the remainder of their term through December 17, 2024, unless vacated earlier. If a vacancy of the elected City Clerk occurs prior to December 17, 2024, the position shall be appointed by the City Manager.

Section 7. City Clerk Authority to Make Minor Corrections. The City Clerk shall be authorized to make minor amendments to the Charter to correct typographical errors or to make other similar non-substantive corrections, subject to ratification by the City Council and approval as to form by the City Attorney.

## ARGUMENT IN FAVOR OF MEASURE A

Your "YES" vote on Measure A ensures that the selection of the City Clerk will be based on qualifications, education, and experience rather than connections and popularity.

Our certified Assistant City Clerk currently performs most of the tasks that are required of a City Clerk, including many election related tasks such as reviewing ballot statements. There are currently no requirements to run for the elected City Clerk position other than being a registered voter in Santa Clara.

The duties, responsibilities, and requirements of this position are very technical. The City Clerk is responsible for implementing critical and complex laws regarding elections and official documents. This is why the vast majority of California cities currently have appointed Clerks.

Appointed Clerks maintain professional certifications and regularly attend trainings. Currently, the elected Clerk is not required to have any education, training, or certifications to perform the duties of a Clerk.

Appointed City Clerks meet regularly with the City Manager to establish performance goals and are evaluated annually. Our elected Clerk is accountable to no one except to the voters every 4 years AND the fantasy of "choice by the voters" falls apart because, in 6 of the last 10 elections, only one City Clerk candidate was on the ballot.

Our community thrives when our local government operates with transparency, efficiency, and accountability. By appointing an individual with a proven track record, we ensure that our city's critical functions are overseen by someone with the experience to navigate the intricacies of local governance.

A "Yes" vote on Measure A actually saves money. By appointing a City Clerk, Santa Clara will save hundreds of thousands of dollars by avoiding ballot costs every four years. Also, the Clerk would not be distracted from their duties by time spent campaigning and raising money.

Sudhanshu "Suds" Jain  
Santa Clara Councilmember

Karen Hardy  
Santa Clara Councilmember

Raj Chahal  
Santa Clara Councilmember

Jeff Houston  
Former Chair, Charter Review Committee

Clysta Seney  
Former Member, Charter Review Committee

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

### PROTECT OUR VOTER RIGHTS TO ELECT OUR CITY CLERK

**Measure A was devised by the "City Council Majority" that a 2022 Civil Grand Jury reported does not always act in Santa Clara's best interest.** (*Source: "Unsportsmanlike Conduct"*)

The Grand Jury reported the "City Council Majority" fired a City Manager and a City Attorney at the request of a special interest.

The "City Council Majority" could pressure the City Manager to select their choice for a City Clerk.

Then the "City Council Majority" could cut funds for election monitoring and make Santa Clara campaigns less clean.

**The City Clerk is currently elected by voters to keep campaigns clean.**

For good government, who do you trust to select him or her?

An elected City Clerk supported by qualified City staff is an excellent model and serves Santa Clara well.

**Politicians and bureaucrats should not eliminate Santa Clara voters' rights to give themselves more power.**

Recently, Santa Clara has been flooded with millions of dollars of special-interest campaign spending.

We need an independent City Clerk who answers to voters and won't be easily pressured by politicians or bureaucrats.

**Measure A proponents' arguments are deceptive. They do NOT disclose:**

- Measure A eliminates Santa Clarans' right to elect a City Clerk—a privilege enshrined in the city's charter for decades.
- Professional City staff have special qualifications and training to support the City Clerk.
- Executive searches for City employees can cost more than ballot elections.

Please vote **NO** on Measure A.

Pat Nikolai  
Chief of Police, Santa Clara

Lisa M. Gillmor  
Mayor, Santa Clara

Kathy Watanabe  
Councilmember, Santa Clara

Satish Chandra  
Charter Review Committee Member, Police Chief Advisory Committee

Teresa O'Neill  
Former Santa Clara Unified School Board Trustee

## ARGUMENT AGAINST MEASURE A

### PROTECT VOTER RIGHTS TO ELECT CITY CLERK

**Measure A eliminates Santa Clarans' right to elect a City Clerk—a privilege enshrined in the city's charter for decades.**

The City Clerk is Santa Clara's top elections official who monitors city elections and keeps campaigns clean.

For good government, who do you trust to select him or her?

Santa Clara voters have chosen the City Clerk for decades—and should continue to do so even if it's a unique privilege.

Politicians and bureaucrats should not take away Santa Clara voters' rights to give themselves more power.

**Measure A rewrites the charter, taking away voters' rights—giving those important rights to an unelected, city bureaucrat who is not accountable to voters.**

Recently, Santa Clara has been flooded with millions of dollars of special-interest campaign spending. That's why it's critically important to have an independent City Clerk.

An elected City Clerk can't be pressured by politicians or bureaucrats since he or she must answer directly to voters.

**Measure A was devised by the "City Council Majority" that a 2022 civil grand jury reported does not always act in Santa Clara's best interest. (Source: "Unsportsmanlike Conduct")**

The "City Council Majority" could pressure the City Manager to select their choice for a City Clerk.

Then the "City Council Majority" could cut funds for election monitoring and make Santa Clara campaigns less clean.

## ARGUMENT AGAINST MEASURE A-Continued

Please vote **NO** on Measure A:

- Santa Clarans should continue to elect the City Clerk.
- An unelected city bureaucrat should not select the city's top elections officer
- A "City Council Majority" should not be able to pressure the City Manager to pick their favored candidates for City Clerk
- For this important decision about good government, voters are more trustworthy and capable than politicians and bureaucrats

Pat Nikolai  
Chief of Police, Santa Clara

Lisa M. Gillmor  
Mayor, Santa Clara

Kathy Watanabe  
Councilmember, Santa Clara

Satish Chandra  
Charter Review Committee Member, Police Chief Advisory Committee

Teresa O'Neill  
Former Santa Clara Unified School Board Trustee



## REBUTTAL TO ARGUMENT AGAINST MEASURE A

**Vote Yes on Measure A** to have an appointed City Clerk.

Santa Clara deserves a highly trained, professional City Clerk. Most cities in California have appointed City Clerks with the education, certifications, and experience needed to perform their duties. In the last 10 years, three other cities in Santa Clara County have made this switch.

In early 2018, a previous City Council transferred almost all the responsibilities to an appointed Assistant City Clerk hired and evaluated by the City Manager.

In 2023, an independent Charter Review Committee consisting of educators, business executives, and members of the community conducted extensive research concluding that an appointed City Clerk would provide better accountability and responsiveness to the community. Nothing in the City Charter is enshrined. **VOTE YES on Measure A**

By appointing a City Clerk, Santa Clara would recruit from a wider pool of candidates who would meet the highest professional qualifications, not just residency and the willingness to mount a political campaign. They would be hired and regularly evaluated by the City Manager. In fact, the current elected City Clerk admitted to the Charter Review Committee that he was uncertain as to whether his own position as Clerk should remain an elected position.

Appointing a City Clerk helps to insulate the position from political pressures, allowing the clerk to focus on making decisions based on professional judgment rather than electoral considerations. Conversely, the election of a City Clerk can introduce elements of politics into election enforcement decisions.

**VOTE YES on Measure A**

**Visit: [appointcityclerk.com](https://appointcityclerk.com)**

Sudhanshu "Suds" Jain  
Santa Clara Councilmember

Michele Ryan  
Trustee, Santa Clara Unified School District

Karen Hardy  
Santa Clara City Councilmember

Christine Koltermann  
Former Member Charter Review Committee

Clysta Seney  
Former Member, Charter Review Committee