

RESOLUTION NO. NS-29,932

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ: 1) ORDERING AN ELECTION FOR A PROPOSED CITY CHARTER AMENDMENT PROVIDING FOR AN AT-LARGE DIRECTLY ELECTED MAYOR AND SIX COUNCIL DISTRICTS, 2) REQUESTING THAT THE COUNTY ELECTIONS OFFICIAL CONDUCT THE ELECTION AND CONSOLIDATE IT WITH THE STATEWIDE PRIMARY ELECTION ON JUNE 7, 2022, 3) PROVIDING FOR THE FILING OF WRITTEN ARGUMENTS RELATED TO THE MEASURE, AND 4) DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, pursuant to the authority provided by Section 3 of Article XI of the Constitution of the State of California and Sections 1415(a)(2) and 9255(b)(1) of the California Elections Code, the City Council of the City of Santa Cruz desires to submit a proposed Charter amendment to the voters; and

WHEREAS, the City Council orders that a proposed Charter amendment be submitted to the voters at an election held at the same time as an established statewide general or statewide primary election pursuant to Elections code Section 1200 and 1201, that is at least 88 days following the call of the election; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may, by resolution, request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city, or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election,

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file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state, and other political subdivision elections have been called to be held on June 7, 2022.

NOW THEREFORE, BE IT RESOLVED AND ORDERED as follows:

Section 1: Pursuant to its right, title, and authority under Section 3 of Article XI of the California Constitution and Sections 1415(a)(2) and 9255(b)(1) of the California Elections Code, the City Council hereby calls an election to be held in the City of Santa Cruz on Tuesday, June 7, 2022 for the purpose of submitting to the voters the following proposed Charter Amendments (and such other questions as the City Council may hereafter order to be presented to the voters):

Measure “___” Charter Amendment – At-large Directly Elected Mayor, Six Council Districts, and Nominating Elections.

In order to comply with the California Voting Rights Act and promote more diversity and provide greater accountability of elected officials to residents in all City neighborhoods, while maintaining City leadership focused on the interests of the whole community, shall the Santa Cruz City Charter be amended to provide for a directly-elected at-large Mayor, six council districts, updated rules on term limits, and runoff elections?	Yes	
	No	

Section 2: The text of the proposed Charter Amendment to be submitted to the voters is attached as Exhibit A.

Section 3: The City of Santa Cruz City Council hereby directs staff to place the measure on the ballot for the June 7, 2022 Statewide Presidential Primary Election. The City Council hereby orders an election be called and consolidated with any and all elections also called to be held on June 7, 2022 insofar as said elections are to be held in the same territory or in a territory that is in part the same as the territory of the City of Santa Cruz, and hereby requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Section 10401 and 10403.

Section 4: The ballots to be used at the election shall be in form and content as required by law.

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Section 5: The City Clerk is authorized, instructed, and directed to contract with the County of Santa Cruz Registrar of Voters to procure and furnish any and all services, official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election. The City Council requests that the Board of Supervisors direct the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election, and the City agrees to pay for said services. The Santa Cruz County Elections Department shall conduct the election for the measure to be voted on at the June 7, 2022 election.

Section 6: The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 7: The City Council authorizes the Santa Cruz County Elections Department to administer said election, and all reasonable and actual election expenses shall be paid by the City of Santa Cruz upon presentation of a properly submitted bill.

Section 8: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 9: The City Council hereby authorizes the Mayor to designate one or more individuals on the City Council to file a written argument in favor of the measure, and a rebuttal argument against any opposition to the measure, in accordance with the Elections Code of the State of California, Sections 9280, et seq. Arguments may be changed until and including the following dates fixed by the City Clerk:

- Deadline for filing arguments for or against proposed measure: March 18, 2022
- Deadline for filing rebuttals to arguments: March 25, 2022.

After these dates, no arguments for or against the measure may be submitted to the City Clerk.

Section 10: The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City attorney shall cause to be prepared an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

Section 11: If any section, subsection, sentence, clause, or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 12: The City Council finds the adoption of this resolution is not subject to the

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California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 13: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

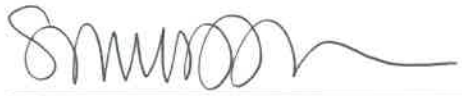
PASSED AND ADOPTED this 22nd day of February, 2022 by the following vote:

AYES: Councilmembers Kalantari-Johnson, Golder, Cummings, Brown, Meyers; Vice Mayor Watkins; Mayor Brunner.

NOES: None.

ABSENT: None.

DISQUALIFIED: None

APPROVED: 

Sonja Brunner, Mayor

ATTEST: 

Bonnie Bush, City Clerk Administrator

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Exhibit A

Text of Proposed Charter Amendment to Be Submitted to the Voters: Proposal to Amend the Santa Cruz City Charter to Provide for a Directly Elected At-large Mayor and Six Council Districts

TEXT OF AMENDMENT TO SANTA CRUZ CITY CHARTER

The City Charter of the City of Santa Cruz is hereby amended as follows (underlining showing additions and ~~strike through~~ showing deletions):

PART 1: PROPOSED CHARTER AMENDMENT

Article VI "ELECTIVE OFFICERS" is hereby amended at Sections 601-602 and 604-605, to read as follows:

"Section 601 COUNCIL, NUMBER, TERM.

~~The elective officers of this City shall be seven councilmembers who shall constitute the Council. They shall be elected from the City at large as provided in ARTICLE VII for a term of four years and until their successors have been elected and qualified. The Council shall be the legislative body of this City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it. No member of the Council shall be eligible for re-election for two years (i.e. one general election cycle) after the expiration of the second consecutive full term for which such person was elected.~~

(a) The elective officers of this City shall consist of six Councilmembers and a Mayor, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it. The terms "Council", "City Council", "legislative body", or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and Councilmembers unless such interpretation would be clearly contrary to the intent and context of such other provision.

(b) Candidates for City Council shall be nominated from and by the electors of each of the six districts referred to in Article VII of this Charter. The term of office shall be four years. The term of each City Council member shall commence on the date of the City Council meeting, following his or her election, at which the council receives the certification of election results from the City Clerk.

(c) Candidates for Mayor shall be nominated from and by the electors of the City and elected by the voters of the City at-large. The term of office shall be four years. The term of Mayor shall commence on the date of the City Council meeting, following his or her election, at which the Council receives the certification of election results from the City Clerk.

(d) No member of the Council shall be eligible for re-election, or for election to a different Council district, for two years (i.e. one general election cycle) after the expiration of

the second consecutive full term of the office for which such person was elected. However, this prohibition shall not bar (1) a Councilmember elected by-district from running for Mayor immediately after two terms as a Councilmember, or (2) the Mayor from running as a by-district Councilmember immediately after two terms as Mayor. With that said, in no event may any person serve on the Council (as either a Councilmember or the Mayor) for more than sixteen (16) consecutive years.

Section 602 QUALIFICATIONS.

(a) A person shall be eligible to be nominated for, or to hold office as a Mayor, only if such person is a registered qualified voter of this City, and shall have been for at least thirty (30) days preceding nomination or appointment, a resident of the City of Santa Cruz, or of territory annexed thereto.

(b) A person shall be eligible to be nominated for, or to hold office as a member of the Council, only if such person is a registered qualified voter of this City, and shall have been for at least thirty (30) days preceding nomination or appointment, a resident of the City of Santa Cruz, or of territory annexed thereto, district from which that person has been nominated or appointed.

Section 604 PRESIDING OFFICER – MAYOR.

(a) The Mayor shall preside at the meetings of the Council, shall be elected at-large, shall preside at the meetings of the Council, be a voting member of the Council, shall have a voice and vote in all Council proceedings, and shall be recognized as the titular head of the City government for all ceremonial purposes and by the Governor for purposes of military law but shall have no regular administrative duties.

~~The Council shall elect one of its members who shall have the title of Mayor. The Council shall also elect a Vice Mayor, who shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term. Both the Mayor and the Vice Mayor shall be elected from the Councilmembers at the second meeting in November in each non-election year, and at the first regularly or specially scheduled evening Council meeting following the County election official's certification of the general municipal election results in each election year. The Mayor and Vice Mayor so elected shall serve until their successors have been elected.~~

(b) The Mayor shall have the discretion to set City Council agendas and to change the order of business on the agendas provided, however, that an item may be added to a future City Council agenda at the direction of three members of the City Council.

(c) The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs, and needs of the City government to the people, and, as occasion requires, the Mayor may inform the people of any change in policy or program.

(d) The Mayor shall perform such other duties consistent with the office as may be prescribed by

this Charter or as may be imposed by the City Council.

(e) The City shall maintain a "Council-Manager" form of government, and the Mayor possesses only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.

(f) The Council shall elect a Vice-Mayor, who shall serve in such capacity at the pleasure of the City Council. The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice-Mayor shall be elected by the Council at the second meeting in November in each non-election year, and at the first regularly or specially scheduled evening Council meeting following the County election official's certification of the general municipal election results in each election year. The Mayor and Vice-Mayor so elected shall serve until their successors have been elected. Nothing herein shall prevent a Councilmember from serving consecutive terms as Vice-Mayor.

SECTION 605 COUNCIL VACANCIES.

A councilmember vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, or by special election called by the Council.

If a vacancy is filled by appointment, the appointee shall be a qualified person from the district in which the vacancy has occurred and shall hold office until the second regularly scheduled evening meeting following the next municipal election and until a successor is elected and takes the oath of office. At the next general municipal election following any vacancy, a Councilmember shall be elected to serve for the remainder of any unexpired term.

If a vacancy is filled by special election, the person receiving the highest number of votes in the subject district shall, upon taking the oath of office, serve for the remainder of the unexpired term of the former incumbent and until a successor has been elected and takes the oath of office.

In the event a vacancy has not been filled by appointment or an election called within sixty (60) days after such office shall have been declared vacant, the Council shall forthwith call an election to fill such vacancy.

A vacancy in the office of Mayor from whatever cause arising, shall be filled for the remainder of the unexpired term by a special election called by the City Council to be held not less than 88 days nor more than 103 days after the effective date of the vacancy, except the special election may be conducted within 180 days of the effective date of the vacancy in order to consolidate with the City's general municipal election. An election shall not be ordered, and the office of Mayor shall remain vacant, if the term expires within the timeframe for holding a special election.

A City Council or Mayoral office shall become vacant and shall be so declared by the Council if a person elected or appointed ~~to the Council~~ fails to take the oath of office within sixty (60) days after the election or appointment, is absent from all regular meetings of the Council for sixty (60) days unless expressly permitted by the City Council in its official minutes, ceases to be an

elector of the City, or is convicted of a crime involving moral turpitude.”

SECTION 2. Article VII “ELECTIONS” is hereby amended by adding Sections 708-711, to read as follows:

“SECTION 708 Districts.

The City shall be divided into six districts, the names and respective boundaries of which shall be as established by ordinance.

Following the national census and each tenth year thereafter the City Council may appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and/or redefine the boundaries of any or all of the six districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 602, no redistricting shall disqualify any Councilmember from serving the remainder of his or her term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts.

SECTION 709 Territory Not Specifically Described.

Any territory constituting a part of the City and not specifically included in any district shall be deemed included in the district with which it has the longest common boundary line. If there is no common boundary line with any district, then such territory shall be deemed included in the nearest district to it.

SECTION 710 Voters Signing Nomination Petitions.

The voters signing any petition for the nomination of any person to the office of Councilmember shall be residents and registered voters of the district from which such person is to be nominated. The voters signing any petition for the nomination of any person to the office of Mayor shall be residents and registered voters of the City.

SECTION 711 Two Round Election System

- (a) The Mayor and the by-district Councilmembers shall be elected using a Two Round Election System, also known as runoff voting. At the first round of elections, any candidate receiving a majority of the vote cast (i.e., 50% + 1) for all candidates for that office shall be declared elected.
- (b) If, after the first round of elections, there is any office to which no person was elected, then the two candidates for such office receiving the highest number of votes for such

office shall be the candidates, and the only candidates, for such office whose names shall be printed upon ballots to be issued at the second or General Municipal Election; provided that, in any event, all persons receiving a number of votes equal to the highest or second highest number of votes received by any candidate shall also be candidates at such second election. The candidate receiving the highest number of votes cast for all candidates for that office at the second or General Municipal Election shall be declared elected.

- (c) For purposes of the election of a Mayor and Councilmembers in the year 2022, for timing reasons, only one round of elections will be held (i.e., the General Municipal Election on November 8, 2022), and the winner of said election shall be the candidate who receives the most votes from eligible voters in that election.
- (d) Whenever practical, the first round of elections shall occur on the date of and be consolidated with the Statewide Primary Election.
- (e) The Council may, by ordinance, establish administrative rules and procedures for the City's Two Round Election System that are not inconsistent with this Section."

PART 2: BALLOT DESCRIPTION

As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

CHARTER AMENDMENTS

The proposed Charter Amendment measure would amend Santa Cruz City Charter Sections 601, 602, 604, and 605. It would also add sections 708, 709, 710, and 711 to the City Charter. These amendments and additions would provide for a directly-elected at-large Mayor, six council districts, updated rules on term limits, and run-off elections.

Charter Section 601 would be revised to provide for six council districts and an at-large mayor. It would also update Charter's rules on term limits, allowing individuals to run for election to the Council after two consecutive terms, in certain instances, with a firm rule that no person may serve on the Council (as either a Councilmember or a Mayor) for more than sixteen (16) consecutive years.

The proposed revisions to Section 602 would support the at-large mayor and 6 council district structure.

The proposed revisions to Section 604 would set out the duties of the Mayor and Vice Mayor. Section 604(b) also would contain a section that allows three members of the Council to place items on future Council agendas.

Proposed revisions to Section 605 would describe how Councilmember and Mayoral

vacancies are handled.

The proposal also contemplates adding Sections 708, 709, 710, and 711 to the Charter. Section 708 specifies that six districts shall be created, by ordinance. Section 709 addresses Territory Not Specifically Described. Section 710 specifies that voters signing nominating petitions of Councilmembers must live in the appropriate district, while voters signing the nominating petition of the mayor, must be residents of the City. Section 711 establishes a Two Round Election system (also known as Run-Off Elections) for the Mayor and for Councilmembers.

PART 3: SEVERABILITY

It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment measure which can be given effect without the invalid provision or application.

PART 4: CONFLICTING MEASURES

In the event this Charter Amendment measure and another measure or measures relating to establishing the office of elected Mayor, City Council districts, term limits, or Run-Off Voting the other matters described herein shall appear on the same ballot, the other Charter measure or measures shall be deemed to be in conflict with this Charter Amendment measure. In the event that this Charter Amendment measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

If this Charter Amendment measure is approved by the voters but superseded in whole or in part by any other conflicting measure approved by the voters at the same election, and such other conflicting measure is later found held invalid, this measure shall be self-executing and given full force and effect.

PART 5: IMPLEMENTATION

In the event this Charter Amendment measure is approved:

A. The members of the City Council in office at the time these Charter provisions take effect shall continue in office until their successors are elected and qualified.

B. The City Council shall, following the processes required by applicable law, adopt an ordinance to establish the respective boundaries for six (6) City Council districts. If the Charter Amendment measure is approved, it is the Council's intent that an ordinance establishing 6 council districts be completed in time for the November 2022 election. However, if the charter amendment election results are not certain in time to qualify for the November 2022 election

but are ultimately approved by the voters, then the charter amendment establishing an at-large elected mayor and six council districts and the ordinance establishing district boundaries of the six districts shall be implemented as soon as practicable, and in time to conduct a first round of elections at the same time as the 2024 statewide primary election.

C. The enactment of this measure shall not be interpreted or applied to reset the limit on consecutive terms applicable to any person holding office as a member of the City Council at the time this measure is approved by voters.

PART 6: EFFECTIVE DATE

This Charter Amendment measure shall become effective in the manner allowed by law.