

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE, ON ITS OWN MOTION, FOR A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE NEXT GENERAL ELECTION ON NOVEMBER 8, 2022, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE A BALLOT MEASURE PROPOSAL TO AMEND THE SAN JOSE CITY CHARTER (1) ADDING THE CITY'S ETHICS AND ELECTIONS COMMISSION (BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES) TO THE CHARTER; (2) REMOVING REQUIREMENTS THAT MEMBERS OF THE PLANNING, CIVIL SERVICE AND SALARY SETTING COMMISSIONS BE ELECTORS AND/OR CITIZENS; (3) REMOVING GENDER-SPECIFIC LANGUAGE; AND (4) REQUIRING THE CITY COUNCIL TO ADOPT EQUITY VALUES, STANDARDS AND ASSESSMENTS IN MAKING CERTAIN DECISIONS

WHEREAS, San José City Charter Sections 1600 and 1601 authorize the City Council to set the date for a Special Municipal Election; and

WHEREAS, pursuant to California Elections Code Sections 9255(b)(1) and 1415(a)(2)(A) and Government Code Section 34458(a), the City Council desires to submit to the electors of the City of San José (the "City" or alternatively, "San José") at a Special Municipal Election a ballot measure proposal to amend the San José City Charter to (1) add the City's Ethics and Elections Commission (Board of Fair Campaign and Political Practices) to the Charter; (2) remove requirements that members of the Planning, Civil Service and Salary Setting commissions be electors and/or citizens; (3) remove gender specific language; and (4) require the City Council to adopt equity values, standards and assessments in making certain decisions, and to place the measure on the ballot for the next General Election on November 8, 2022, a Statewide General Election;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. A Special Municipal Election is hereby called and ordered to be held in the City of San José on November 8, 2022 to vote on a ballot measure to amend the San José City Charter to (1) add the City’s Ethics and Elections Commission (Board of Fair Campaign and Political Practices) to the Charter; (2) remove requirements that members of th Planning, Civil Service and Salary Setting commissions be electors and/or citizens; (3) remove gender specific language; and (4) require the City Council to adopt equity values, standards and assessments in making certain decisions, which shall be deemed ratified, pursuant to Government Code Section 34459, if a majority of the electors voting on the measure vote to approve the measure. The full text of the proposed City Charter amendment is attached as Exhibit A and incorporated by reference in this Resolution.

SECTION 2. The ballot measure will be placed on the ballot for the November 8, 2022 election in the following form:

MEASURE ____

Shall the City Charter be amended to add the City’s ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?	YES	
	NO	

SECTION 3. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County to render to the City of San José such services as the City Clerk of the City of San José may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast; and all other services necessary to conduct an election.

SECTION 4. The City Council hereby requests that the Registrar of Voters of the County of Santa Clara consolidate the Special Municipal Election called and ordered to be held on November 8, 2022 with any other election that may be held on that date.

SECTION 5. The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

SECTION 6. The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

SECTION 7. The City Council hereby directs the City Clerk to take all actions necessary to facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of the Special Municipal Election.

SECTION 8. Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to: (a) cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San José Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause the following statement to be printed in the impartial analysis to be prepared by the City Attorney: “If you would like to read the full text of the measure, see [insert website URL] or call 408-535-1260 and a copy will be sent at no cost to you.”; and (d) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including causing the full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk’s website.

SECTION 9. Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot initiative, if any, [and authorizes the City Council or any member or members of the Council to author and submit a ballot initiative argument in opposition of the ballot initiative] [but determines that rebuttal arguments will not be allowed] OR [and approves the submittal of rebuttal arguments in response to arguments for and against the ballot initiative and authorizes the City Council or any member or members of the City Council to author and submit a rebuttal, if any.]

SECTION 10. The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis.

SECTION 11. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A TO RESOLUTION NO. [REDACTED] OF THE CITY OF SAN JOSE

That the citizens of the City of San José do hereby enact the following amendments to the City Charter, as shown in the attached revised City Charter:

NOTE: Additions to the text are underlined and deletions are shown in ~~striketrough~~.

[To be provided]