

RESOLUTION NO. 80387

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE AT A SPECIAL MUNICIPAL ELECTION, TO BE CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION ON JUNE 7, 2022, A BALLOT MEASURE PROPOSAL TO AMEND THE SAN JOSE CITY CHARTER TO (1) MOVE THE MAYORAL ELECTION FROM THE GUBERNATORIAL ELECTION CYCLE TO THE PRESIDENTIAL ELECTION CYCLE BEGINNING IN 2024 AND (2) TO LIMIT THE PERSON ELECTED TO THE OFFICE OF MAYOR IN 2022 TO A TWO-YEAR TERM WITH THE OPTION TO RUN FOR THE OFFICE OF MAYOR AND SERVE AS SUCH FOR TWO ADDITIONAL SUCCESSIVE FOUR-YEAR TERMS

WHEREAS, San José City Charter Section 1600 authorizes the City Council to set the date for a Special Municipal Election; and

WHEREAS, the City Council desires to submit to the electors of the City of San José at a Special Municipal Election a ballot measure proposal to amend various sections of the San José City Charter;

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 June 7, 2022 for the purpose of voting on a ballot measure to amend various sections of the San José City Charter, 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 to this Resolution as Exhibit A and incorporated by reference in this Resolution.

SECTION 2. The ballot measure will be placed on the ballot for the June 7, 2022 election in the following form:

MEASURE ____

To increase voter participation, shall the City Charter be amended to: (1) move the election for the Office of Mayor to the same year as presidential elections beginning in 2024, and (2) limit the person elected to the Office of Mayor in 2022 to a two-year term with the option to run for and serve as Mayor for two additional successive four-year terms?	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 (“Registrar of Voters”) 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 consolidate the Special Municipal Election called and ordered to be held on June 7, 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 submit the measure to the Registrar of Voters for placement on the June 7, 2022 ballot and 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. The City Council hereby directs the City Clerk to: (a) pursuant to Section 12111 of the California Elections Code, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the 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 statement set forth in Section 9280 of the California Elections Code regarding notice of availability of a copy of the measure to be printed in the impartial analysis to be prepared by the City Attorney; 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 measure, if any, and authorizes Councilmember Esparza to author, including the selection of any co-authors, and submit a ballot measure argument in favor of the ballot measure on behalf of the City Council, but determines that rebuttal arguments will not be allowed.

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 in accordance with Section 9280 of the California Elections Code.

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 15th day of February, 2022, by the following vote:

AYES: ARENAS, CARRASCO, COHEN, DAVIS, ESPARZA,
FOLEY, JONES, JIMENEZ, MAHAN, PERALEZ,
LICCARDO.

NOES: DAVIS.

ABSENT: NONE.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk

EXHIBIT A TO RESOLUTION NO. 80387 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:

Section 1. That Section 402 of the City Charter be amended to read as follows:

SECTION 402. Mayor and Council Member Term Limits.

The regular term of office of each member of the Council shall be four (4) years. The Mayor and Council members shall be subject to the following term limits:

- (a) **MAYOR.** No person who has been elected to the office of Mayor for two (2) successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive; nor for any parts of terms which are not successive. Notwithstanding any other provision of the Charter, to transition the election of the office of Mayor to the same year as the presidential election beginning in 2024, the term for the office of Mayor beginning on January 1, 2023 shall be for two (2) years concluding on December 31, 2024. However, the person holding the office of Mayor as the incumbent for this two-year term will be eligible to run for election to the office of Mayor and serve as such for two (2) additional successive four-year terms.

- (b) **COUNCIL MEMBER.** No person who has been elected to the City Council as a Council member in any Council District in the City for two (2) successive four-year terms, after the effective date of this Section, shall be eligible to run for election as a member of the Council in any Council District, nor appointed to serve as a Council member for any additional successive term. Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of two years or less in length shall be eligible to serve two successive four-year terms upon the expiration of the unexpired term for which that person was appointed or elected. Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of more than two years in length shall only be eligible to serve one successive four-year term. The above shall not disqualify any person from running for election to the Office of Mayor or for any term or terms which are not successive. The effective date of this Section shall be January 1, 1991.

Section 2. That Section 500 of the City Charter be amended to read as follows:

SECTION 500. Mayor.

There shall be a Mayor of the City of San José, elected at large, who shall be the eleventh member of the Council. Except as otherwise provided elsewhere in the Charter, the Mayor shall be elected by a majority of the votes cast citywide at a Regular Municipal Election, for a term of four (4) years from and after the first day of January following the year of the election. Notwithstanding any other provision of the Charter, to transition the election of the office of Mayor to the same year as the presidential election beginning in 2024, the term for the office of Mayor beginning on January 1, 2023 shall be for two (2) years concluding on December 31, 2024. However, the person holding the office of Mayor as the incumbent for this two-year term will be eligible to run for election to the office of Mayor and serve as such for two (2) additional successive four-year terms.

The office of each member of the Council, including the office of the member who is Mayor, is a separate office to be separately filled. Any incumbent member of the Council may run for the seat of Mayor, and the Mayor may run for the seat of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat, and no person may be a candidate for more than one seat.

Section 3. That Section 1600 of the City Charter be amended to read as follows:

SECTION 1600. Municipal Elections.

All municipal elections shall be held in accordance with the following:

- (a) **REGULAR MUNICIPAL ELECTIONS.** A Regular Municipal Election is either a regularly scheduled Primary or Run-off Municipal Election. Such elections shall be held every two years, with the election for Mayor and for the odd numbered Council Districts being every four (4) years beginning with 1994, and the election for the even numbered Council Districts being every four (4) years beginning in 1996. Beginning in 2024, the election for Mayor and for the even numbered Council Districts will be held every four (4) years, and the election for the odd numbered Council Districts will be held every four (4) years beginning in 2026. Each member's term shall commence on the first day of January next following, and end on the last day of December in the fourth calendar year succeeding, the date of the member's election, except the member elected to the office of Mayor whose term began January 1, 2023 as set forth in Section 402 of Article IV and 500 of Article V. A regularly scheduled Primary Election shall be held on the same date that the State of California holds its Direct Primary Election. A Run-off Municipal Election shall be held on the same date the State of California holds its Statewide General Election.

- (b) GENERAL ELECTIONS. Elections which are held simultaneously in all districts of the City, whether municipal, county or state elections are referred to as General Elections.
- (c) SPECIAL MUNICIPAL ELECTIONS. Special Municipal Elections are elections scheduled pursuant to Section 1601. The dates of any Special Municipal Election shall be set by resolution.
- (d) RUN-OFF QUALIFICATION. The two candidates who poll the greatest number of votes for office in the Primary Municipal Election shall be the only candidates whose names shall appear on the ballot as candidates for such office at the following Run-off Municipal Election.
- (e) TIES. Anything elsewhere to the contrary notwithstanding, all ties in any municipal election shall be decided by lot during open meeting of the Council, under the direction of the Council.
- (f) DEATH OF A CANDIDATE. If a candidate dies after the filing of nomination papers for the primary election, the deceased candidate is treated as a candidate for all election purposes. If the deceased candidate is elected, the office will be declared vacant as of the beginning of the term of office for which the election was held. The position shall be filled in accordance with Section 410.
- (g) MAJORITY OF VOTES. No person shall be declared elected to the office of the Mayor or Council member at any municipal election unless the person receives a majority of the votes cast for such office.

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