

**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

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

**CITY OF SANTA CLARA
MEASURE B**

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

Supporters: SudsJain,Councilman; KarenHardy,Councilwoman; RajChahal,Councilman; JeffHouston,CharterReviewChair; SeanAllen 3rd VP SJNAACP.

Opponents: Police Chief Nikolai; Anthony Pascoal,SC Firefighters Assoc; Jeremy Schmidt,SC POA; Mayor Gillmor; Councilmember Watanabe.

**Yes
No**

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

Ballot Measure Summary

Under the City of Santa Clara Charter, the Chief of Police is an elected position with a four-year term. The City Council placed this measure on the ballot for 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 Chief of Police position will become a position appointed by the City Manager.

A "no" vote means the Chief of Police will remain an elected position.

Current Provisions in the Charter

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

As with other elected positions, the Charter requires an elected Chief of Police to be a city resident and a registered voter. [Charter Section 600] The Charter further requires that candidates for Chief of Police meet minimum eligibility requirements imposed under state law upon candidates for sheriff. [Charter Section 701.1] Elected sheriff requirements are set forth in California Government Code Section 24004.3.

The powers and responsibilities of the Chief of Police are specified in the Charter as follows: (1) preserve the public peace; (2) execute and return all "process" (i.e., subpoenas) issued by legal authority; and (3) exercise all powers now or hereafter conferred upon sheriffs and police officers by state law. [Charter Section 906]

Proposed Revisions to the Charter

If approved, the proposed Charter amendments would remove provisions making the Chief of Police an elected position and replace them with provisions requiring that future Chiefs of Police be appointed by the City Manager. As a result, existing Charter provisions requiring City's elected officials be City residents and registered voters, would no longer apply. Existing Charter provisions that impose minimum eligibility requirements are proposed to be deleted. Instead, 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. This new job specification would be added to the City's existing employee compensation and classification systems. Existing Charter provisions specifying Chief of Police powers and responsibilities would remain. The

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

City Manager would have the authority to add to, but not contradict, these powers and responsibilities. As a City Manager appointee, the Chief of Police would be "at will" serving at the discretion of the City Manager.

If the proposed measure passes by majority vote, future Chiefs of Police will be appointed by the City Manager. In transition, the current Chief 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 Chief.

If the proposed measure does not pass by majority vote, the Chief of Police position will remain elected.

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

COMPLETE TEXT OF MEASURE B

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, ~~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, ~~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, ~~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 may run for the separate office of Mayor or other City Council office.

COMPLETE TEXT OF MEASURE B-Continued

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 700.1 of the Charter of the City of Santa Clara, entitled "Qualifications for Chief of the Police Department", shall be deleted in its entirety.

Sec. 701.1 Qualifications for Chief of the Police Department.

Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of sheriff. (Added by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Section 3. 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, ~~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 4. 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:

COMPLETE TEXT OF MEASURE B-Continued

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, including the Chief of Police, 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.

(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*)

COMPLETE TEXT OF MEASURE B-Continued

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.

Section 5. 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 Chief of Police, 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 6: Effective Date. The currently-seated Chief of Police will serve out the remainder of their term through December 17, 2024, unless vacated earlier. If a vacancy of the elected Chief of Police 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

ARGUMENT IN FAVOR OF MEASURE B

Vote "YES" on Measure B for a highly qualified, educated, and experienced Police Chief.

Our city is the **LAST** to still have an elected Police Chief in all of California.

Every other city in California appoints their Police Chief using a rigorous hiring process to ensure their Police Chiefs meet the highest standards in training, experience, and professionalism.

Our City Charter requires that candidates running for Police Chief only be registered voters in Santa Clara and be sworn police officers. That's it. The residency requirement makes our available candidate pool only 10 out of 153 sworn Santa Clara officers. Of these ten, only two have management experience. Neither of our two current Assistant Police Chiefs lives in Santa Clara.

The fantasy of "choice by the voters" falls apart when, in 6 of the last 9 elections, only one Police Chief candidate was on the ballot. By comparison, Santa Clara's Fire Chief is appointed and is doing a great job.

In other cities with appointed Chiefs, the City Manager and Chief work together to establish goals by which the Chief is evaluated annually. Not so in Santa Clara. Our elected Chief is accountable to no one except the electorate every 4 years when there is another election. Usually the chief runs unopposed so there is actually no real accountability.

No Chief or Council Member has ever been recalled in Santa Clara because the bar to recall is simply too high.

By appointing a Chief, Santa Clara will save hundreds of thousands of dollars by avoiding ballot costs every four years. The savings could be redirected to more meaningful priorities. Also, the Chief would not be distracted from their demanding duties by time spent campaigning and raising money.

YES on B for a better process for selecting the Police Chief.

Sudhanshu "Suds" Jain
Santa Clara Councilmember

Karen Hardy
Santa Clara Councilmember

Raj Chahal
Santa Clara Councilmember

Jeff Houston
Former Chair, Charter Review Committee

Sean Allen
3rd Vice President, San Jose Silicon Valley Branch NAACP

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

PROTECT OUR VOTER RIGHTS TO ELECT OUR POLICE CHIEF

Measure B 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 Police Chief.

Then the "City Council Majority" could cut funds for police patrols to help special interests.

Measure B eliminates Santa Clarans' right to elect a Police Chief—a privilege enshrined in our City Charter.

Santa Clarans count on our Police Chief to keep Santa Clara safe.

Who do you trust to select him or her?

Measure B rewrites the charter, takes away voters' rights, and gives them to a city bureaucrat who is not accountable to voters.

Measure B risks public safety by dramatically altering police leadership.

Measure B proponents' arguments are deceptive. They don't tell you that:

- Many California cities (like Oakland, Richmond, and San Francisco) where City Managers select a Police Chief have terrible controversy and high turnover. Santa Clara doesn't.
- At least 64 officers who live in Santa Clara are eligible to run for Police Chief, including 5 top command staff members of the Santa Clara Police Department. They use incorrect and low numbers to scare voters.
- Any outstanding Police Officer may move to Santa Clara to run and serve as Police Chief.

Please vote **NO** on Measure B.

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 Citizens Advisory Committee

Jeremy Schmidt
President, Santa Clara Police Officers Association

ARGUMENT AGAINST MEASURE B

PROTECT VOTER RIGHTS TO ELECT POLICE CHIEF

Measure B eliminates Santa Clarans Right to elect a Police Chief—a privilege enshrined in the city's charter for decades.

The Police Chief is Santa Clara's top law enforcement officer who keeps the city safe. It's the person Santa Clarans count on to make sure we have safe neighborhoods.

Whom do you trust to select him or her?

Santa Clara voters have chosen the Police Chief 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. They could force decisions that jeopardize neighborhood safety to help political allies and special interests.

An elected Police Chief must answer to voters and is accountable to all Santa Clarans.

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

Santa Clara has an outstanding police department and a safe city.

Measure B risks public safety by dramatically altering police leadership.

Measure B 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 Police Chief.

Then the "City Council Majority" could cut police funding, making our neighborhoods, businesses, and residents less safe.

ARGUMENT AGAINST MEASURE B-Continued

Please vote **NO** on Measure B:

- Santa Clarans should continue to elect the Police Chief
- An unelected city bureaucrat should not select the city's top law enforcement officer
- A "City Council Majority" should not be able to pressure the City Manager to pick their favored candidates for Police Chief
- For this important decision, 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 B

Vote Yes on Measure B to have an appointed police chief.

Santa Clara is the last city in California to elect its police chief.

By appointing a Police Chief, 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.

History shows that an appointment process leads to better police chiefs. This is our chance for reform. We deserve a professional, transparent, accountable Police Department—**Vote Yes on Measure B**

Santa Clara's highly regarded fire department is led by an appointed Fire Chief.

The City Charter is a living document that voters change as needed. In the past few year's residents have voted to change the charter for the betterment of the city; we did so four times in 2016. Nothing in the charter is enshrined.

In 2023, an independent Charter Review Committee consisting of educators, business executives, and members of the community conducted extensive research concluding that an appointed police chief would provide better accountability and responsiveness to the community.

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

VOTE YES on Measure B

Visit: appointpolicechief.com

Sudhanshu "Suds" Jain
Santa Clara Councilmember

Michele Ryan
Trustee, Santa Clara Unified School District

Karen Hardy
Councilmember, City of Santa Clara

Christine Koltermann
Former Member Charter Review Committee

Clysta Seney
Former Member, Charter Review Committee

SUNNYVALE SCHOOL DISTRICT MEASURE C

To continue critical renovation and modernization of local elementary and middle schools, upgrade school safety/security, improve access to technology, and ensure accessibility for students with disabilities, shall Sunnyvale School District's measure be adopted authorizing \$214 million in bonds at legal interest rates, raising an average of \$13.2 million annually for approximately 34 years, at a projected rate of \$15 per \$100,000 assessed value, with oversight, accountability, all funds benefitting schools, and no funds for administrator salaries?

Supporters: Sunnyvale Education Association.

Opponents: None Submitted.

Bonds—Yes Bonds—No

Approval of Measure C does not guarantee that the proposed project or projects in the Sunnyvale School District that are the subject of bonds under Measure C will be funded beyond the local revenues generated by Measure C. The school district's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE C

California law permits school districts to issue bonds with the approval of 55 percent of the voters. Such bonds may only be used for construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities—not teacher and administrator salaries or other operating expenses. These bonds are required to be paid by the levy of *ad valorem* taxes—a tax on the assessed value of real property within a district.

The Board of Trustees (Board) of the Sunnyvale School District (District) proposes to issue such bonds in the amount of up to \$214 million for the purposes of renovation and modernization of local elementary and middle schools, upgrading school safety and security, improving access to technology, and ensuring accessibility for students with disabilities at all District schools, the District Administrative Office, and the Maintenance, Operations, and Facilities Yard.

As identified in the measure, projects to be funded by these bonds may include but are not limited to:

- Fix or replace leaking or deteriorating roofs and windows;
- Upgrade schools, buildings, parking lots, drop-off areas, and pedestrian walkways and access to improve safety and accessibility including for Americans with Disabilities Act compliance;
- Expand counseling facilities to support student mental health;
- Construct or update library spaces, classrooms, labs, and District facilities to support instruction in science, technology, mathematics, music, and the arts;
- Renovate restrooms, kitchen, food service, and multipurpose spaces;
- Renovate or construct early learning classroom spaces;
- Install or repair playground equipment, surfaces, and structures;
- Construct or renovate middle school locker rooms;
- Replace hardscape and improve landscaping;

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE C-Continued

- Replace and upgrade windows, utility lines, and electrical, lighting, plumbing, heating, ventilation, and air-conditioning systems to reduce costs and improve energy efficiency; and
- Acquire, upgrade, and repair technology and communication infrastructure and other classroom instructional equipment.

The Board has certified that it evaluated safety, class size reduction, and information technology needs in developing its project list. These bond funds will cover project costs including furnishing and equipping facilities, and other costs directly related to the types of projects described in the measure including, but not limited to, architectural, engineering, and construction management costs.

The Board will arrange for independent annual performance and financial audits, an annual report, and an independent citizens' oversight committee to ensure bond funds are spent only for projects included in the measure.

The District's stated best estimate of the highest tax rate to be levied to repay the proposed bonds is \$15 per \$100,000 of assessed value. The District estimates that the total debt service during the life of the bond, including principal and interest, will be approximately \$446.5 million.

Measure C was placed on the ballot by the Board.

A "yes" vote is a vote to authorize the issuance of the bonds in the amount of up to \$214 million to be secured by the levy of *ad valorem* taxes on property located within the District.

A "no" vote is a vote to not authorize the issuance of the bonds.

Tony LoPresti
County Counsel

By: Mary E. Hanna-Weir
Deputy County Counsel

COMPLETE TEXT OF MEASURE C

SUNNYVALE SCHOOL DISTRICT SCHOOL IMPROVEMENT BOND OF 2024

By approval of this measure by at least fifty-five percent (55%) of the registered voters voting thereon, the Sunnyvale School District shall be authorized to issue and sell bonds of up to \$214,000,000 in aggregate principal amount to provide financing for the specific PK-8 elementary and middle school facilities projects listed below in the Bond Project List, subject to all of the accountability safeguards specified herein.

SECTION I: KEY FINDINGS

- Sunnyvale School District has provided quality preschool through eighth grade (PK-8) elementary and middle school education to students in the local community over its long history, consistent with its mission to provide every student with a strong foundation of academic, behavioral, and social-emotional skills to prepare them for success in a diverse, challenging, and changing world.
- In the past, local voters have approved school facility bonds to help the District meet critical renovation, modernization and safety needs at the District's schools, and a citizens' oversight committee verified that all funds expended thus far were spent in accordance with voter-approved priorities.
- District voters have previously approved bond authorizations in 1996, 2004, 2013 and 2018, and in fiscal year 2023-24, the combined tax rate associated with these four prior authorizations was \$29.20 per \$100,000 of assessed value (not market value) of taxable property. The bonds associated with the 1996 authorization have been completely repaid.
- Though bond funding has made a significant impact, our local schools still have urgent needs that reach beyond the scope of the District's annual operating budget, such that passing this bond measure provides a guaranteed and necessary source of local funding to maintain and improve the community's local school facilities.
- The District has conducted a comprehensive Facilities Master Plan to identify the upgrades needed at each school site in order to meet modern safety and security standards, to meet the District's goals for supporting current academic standards, and to address specific priorities at individual school sites.
- Unlike the District's parcel tax funds, which support the District's educational programs and staffing, bond revenue is the primary means by which all local school districts are able to keep its school buildings and classrooms in good repair, safe, designed and equipped to support changing educational standards, methods and approaches.
- The District cannot rely on the State of California to fund school facility improvements and the limited state dollars available for facility upgrades often require local matching funds that could be provided by a local bond measure.
- This bond measure will benefit local Sunnyvale schools only and no funds can be taken away by the State or other school

COMPLETE TEXT OF MEASURE C-Continued

districts, and by law, no money can be used for administrator salaries or pensions.

- This bond measure requires strict fiscal accountability protections including mandatory annual audits and an independent citizens' oversight committee comprised of local residents to ensure funds are managed and spent properly.

SECTION II: ACCOUNTABILITY MEASURES

The provisions in this section are included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific facilities needs of the District, all in compliance with the requirements of Article XIII A, section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Section 15264 *et seq.* of the California Education Code).

Evaluation of Needs. The Board of Education has evaluated the facilities needs of the District and has identified projects to finance from a local bond measure at this time. The Board of Education has certified that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Independent Citizens' Oversight Committee. The Board of Education shall appoint a new or empower an existing independent Citizens' Oversight Committee in accordance with Education Code sections 15278-15282 and applicable Board policy, to ensure bond proceeds are expended only for the school facilities projects listed in the Bond Project List. The committee shall be established within sixty (60) days of the date when the Board of Education enters the results of the election in its official minutes.

Annual Performance Audit. The Board of Education shall conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List.

Annual Financial Audit. The Board of Education shall conduct or cause to be conducted an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent.

Annual Report to Board. Upon approval of this measure and the sale of any bonds approved, the Board of Education shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board of Education no later than January 1 of each year, commencing on the first January 1 after bonds have been issued and proceeds spent, stating (1) the amount of bond proceeds received and expended in the past fiscal year, and (2) the status of any project funded or to be funded from bond proceeds. The report may be incorporated into the annual budget, annual financial report, or other appropriate routine report to the Board.

SECTION III: BOND PROJECT LIST

This Bond Project List, which is an integral part of this measure, describes the specific projects the District proposes to finance with proceeds of the bonds. All information contained within this "Section III:

COMPLETE TEXT OF MEASURE C-Continued

Bond Project List" comprises the list and description of permissible projects and expenses that may be paid from bond proceeds.

In order to meet all identified facility needs, the District intends to complete projects using a combination of funding sources, including joint use funds or contributions, development impact fees, and state funding (if available). The District will pursue state matching funds if and when they become available, and if received, they will be used for projects on the Bond Project List or other high priority capital outlay expenditures as permitted by law. Approval of this measure does not guarantee that all projects on this Bond Project List at all listed sites will be funded beyond the local revenues generated by this measure. The District's proposal for the projects assumes the receipt of some state matching funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure. Bond funds may be used to meet any matching share contribution requirements.

Proceeds from the sale of bonds authorized by this measure shall be used only for the construction, reconstruction, rehabilitation, replacement, furnishing and equipping of school facilities, and the acquisition or lease of real property for school facilities, all as listed on the Bond Project List. All projects to be financed with bonds authorized by this measure listed on the Bond Project List have been determined by the District to be "school facilities" as that term is used in the California Constitution. "School facilities" include projects at school sites as well as administrative and teacher/staff support facilities which are necessary for, and related to, the delivery of high-quality education services. Projects listed below may be completed at any and all properties, school sites and facilities where such project is determined necessary, and projects are authorized to be performed at each and all of the District's schools, sites and facilities, including administrative and ancillary support facilities, whether owned, leased or yet to be acquired, including, without limitation, the following:

Elementary Schools	Middle Schools
Bishop Elementary School	Columbia Middle School
Cherry Chase Elementary School	Sunnyvale Middle School
Cumberland Elementary School	
Ellis Elementary School	Other Sites
Fairwood Explorer Elementary School	District Administrative Office
Lakewood Elementary School	Maintenance, Operations & Facilities Yard
San Miguel Elementary School	
Vargas Elementary School	

Specific projects to be funded by the bond measure include, without limitation, the following:

- Fix and/or replace leaking or deteriorating roofs and windows;
- Upgrade schools and buildings to improve safety, accessibility and paths of travel for Americans with Disability Act compliance and disabled student access;
- Expand counseling facilities to support the mental health of students;

COMPLETE TEXT OF MEASURE C-Continued

- Improve security at schools by providing wayfinding, signage, fire and classroom intrusion alarms, public address and emergency communication systems, video surveillance cameras and other security systems, safety locks on classroom doors, fencing and exterior lighting for student safety;
- Expand and or update aging classrooms, labs and District facilities to meet current instructional standards; acquire, furnish, equip and rehabilitate existing facilities to support high quality instruction in science, technology, mathematics, music and the arts;
- Remove or replace aging portable buildings and classrooms with new permanent construction;
- Construct and/or develop library spaces;
- Renovate, modernize and or/remodel restrooms, kitchen, food service, and multipurpose spaces;
- Renovate, modernize, construct and/or equip early learning, preschool, transitional kindergarten, and kindergarten classroom spaces;
- Install and/or repair playground equipment and play surfaces and structures;
- Construct and/or renovate middle school locker rooms;
- Repair and/or install exterior finishes on school facilities;
- Replace hardscape and improve and update landscaping;
- Modernize parking lots, drop-off areas, and pedestrian walkways and access to improve student safety;
- Replace and upgrade outdated and deteriorating utility lines for gas, sewer and water service, electrical mains and distribution and other energy efficient systems, controls and infrastructure; Replace and upgrade electrical, lighting, plumbing, heating and ventilation systems; and replace and upgrade air conditioning or other classroom cooling systems;
- Install dual pane windows to reduce noise and reduce heating and ventilation costs;
- Upgrade/improve energy efficiency and install or replace energy conservation or generation systems (lighting, electrical, solar, geothermal) to reduce utility costs and accommodate District's increased usage of and demand for 21st century technology;
- Acquire, upgrade and repair technology and communication infrastructure, including, without limitation, cabling and wireless infrastructure, network hardware and software, servers, and other shared access equipment such as digital whiteboards, document cameras, projectors, and printers; Acquire and upgrade software, computers, and other classroom instructional equipment;

COMPLETE TEXT OF MEASURE C-Continued

- Acquire real property and construct, renovate and or/equip new schools, classroom spaces and administrative and teacher support facilities as needed;
- Repair, rebuild, equip and furnish school sites in the event of unforeseen issues or emergencies.

Listed projects, repairs, improvements, rehabilitation projects and upgrades will be completed only as needed, and the listing of projects does not imply a particular prioritization among such improvements. Projects may be done in phases, based on Board of Education priorities available funding. Listed projects may be completed at any and all District schools, sites, properties (owned, leased or yet to be acquired) and education buildings where such project is determined necessary.

Decisions regarding the scope, function, timing, location, prioritization or other facets of project implementation for school facility projects listed on the Bond Project List will be made solely by the Board of Education by subsequent action, including the interpretation, meaning and intent of each listed project. Where terms such as "renovate," "upgrade," "replace," "improve" and "repair" are used in the Bond Project List, the Board of Education has the discretion to determine the best method for accomplishing the project's objective, including the use of new construction. For any listed project involving renovation or modernization of a building or the major portion of a building, the District may proceed with new replacement construction instead (including any necessary demolition), if the District determines that replacement and new construction is more practical than renovation, considering the building's age, condition, expected remaining life, comparative cost and other relevant factors. In addition, where feasible, projects may be completed in partnership with other public or private agencies on a joint use basis using bond proceeds, subject to federal tax rules and regulations.

Each project is assumed to include its share of costs of bond issuance, architectural, engineering, legal and similar planning costs; litigation costs; construction management; bond project consultants; staff development and training expenses associated with learning construction techniques and approaches and new bond-funded equipment and systems; the furnishing and equipping of all projects, including equipment to maintain facilities in a safe and clean condition; and a customary contingency for unforeseen design and construction costs. Payment of the costs of preparation of facilities planning and project implementation studies, feasibility and assessment reviews, master planning, environmental studies, permit and inspection fees, Division of State Architect (DSA)—related requirements, studies and assessments, including ADA and seismic, and temporary housing and relocation costs for dislocated programs or activities caused or necessitated by projects on the Bond Project List are permissible bond expenditures.

The final cost of each project will be determined as plans are finalized and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Necessary site preparation, grading or restoration may occur in connection with acquisition of property, new construction, modernization, renovation or remodeling, or installation or removal of modular classrooms, including ingress and egress, removing, replacing or installing irrigation, utility lines, trees and landscaping, relocating fire access roads and acquiring any necessary easements, leases, licenses or rights of way to the property.

SECTION IV: ADDITIONAL SPECIFICATIONS

COMPLETE TEXT OF MEASURE C-Continued

No Operating Expenses. Proceeds from the sale of Bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation or replacement of school facilities on the Bond Project List, including the furnishing and equipping of said school facilities, or the acquisition or lease of real property for said school facilities, and not for any other purpose, including teacher or administrator salaries and other school operating expenses in accordance with applicable law.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds and proceeds of the bonds shall be spent only for such purpose.

Other Terms of the Bonds. The bonds may be issued and sold in several series, and in accordance with a financing plan determined by the Board of Education pursuant to requirements of law. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum and with a maximum term not exceeding the statutory maximum, provided that the average useful life of bonds sold will not exceed one hundred twenty percent (120%) of the average life of the projects being financed or as otherwise provided by federal tax law. Bond funds may be used to reimburse the District for Bond Project list expenditures incurred prior to the election and bond issuance, in accordance with federal tax law.

Attention of all voters is directed to the fact that the financial information contained in this measure is based upon the District's projections and estimates only, which are not binding upon the District, nor are the summary or average payment estimates, if any, provided in the Ballot Label. The actual tax rates, debt service and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

In preparing this information, the District obtained reasonable and informed projections of assessed property valuations that took into consideration projections of assessed property valuations made by the County Assessor, if any, in accordance with Education Code Section 15100(c).

TAX RATE STATEMENT

An election will be held within the boundaries of Sunnyvale School District ("District") on March 5, 2024 to authorize the sale of up to \$214 million in bonds to finance facilities as described in the measure. If the bonds are approved, the District expects to sell the bonds in multiple series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property located within the District. The following information is provided in compliance with Sections 9400 to 9404, inclusive, of the California Elections Code.

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election and a projection based on experience within the same jurisdiction and other demonstrable factors, is estimated to be \$15 per \$100,000 of assessed valuation. The final fiscal year in which the tax is anticipated to be collected is 2057-58.

2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of filing this statement, and a projection based on experience within the same jurisdiction and other demonstrable factors, is estimated to be \$15 per \$100,000 of assessed valuation first occurring in fiscal year 2024-25.

3. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$446,527,000.

Voters should note that the estimated tax rate is based on the ASSESSED VALUE of taxable property on the Santa Clara County official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates, debt service and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Michael Gallagher
Dr., Superintendent

ARGUMENT IN FAVOR OF MEASURE C

A Yes Vote on Measure C will improve and enhance the elementary and middle schools in the Sunnyvale School District. Measure C will upgrade classrooms, science labs and facilities to meet today's educational standards and ensure students are prepared for success in high school, college and beyond.

Measure C will modernize Sunnyvale Middle School. Measure C will replace portables with new classrooms at Sunnyvale Middle School and provide safety upgrades, updated heating and cooling, enhanced energy efficiency, and updated learning technology.

At all schools, Measure C will also allow for essential repairs and upgrades to school roofs, windows, bathrooms, plumbing, wiring, and heating and cooling systems to provide a safe, healthy learning environment for students. Measure C will ensure that all District students have equal access to safe, well-equipped classrooms and facilities, regardless of which school they attend.

Measure C will also improve school safety and security with updated door locks, covered walkways, fencing, and security measures to ensure that our schools remain a safe and secure environment in which our students can learn and thrive.

Measure C will include citizen oversight, annual audits, and an annual public report to ensure the money is used efficiently and effectively, and no funds will be used for administrator salaries.

Our community has been supportive of bonds in the past and the schools and students have benefitted from our investment. We need to continue our investment in the modernization of Sunnyvale Middle and make sure all schools serve all students with safe and modern classrooms.

Please join us and vote Yes on Measure C

Melinda Hamilton
Former Mayor, City of Sunnyvale

Benjamin H. Picard
Former Superintendent of Schools

Michelle Eugeni
Community Member

Reid Myers
Former Board Member, Sunnyvale School District

Peggy Shen Brewster
Sunnyvale School District Parent

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

Sunnyvale School District \$214M Bond Tax: Rebuttal Argument-Measure C

From 2004 to 2018, voters in Sunnyvale School District approved \$316 million in bond debt for:

"...upgrading science and computers labs, providing computers, replace leaking roofs..."

All that "technology" is now obsolete and those 6-year-old roofs need replacing. But should it be financed as part of a \$214 million loan, plus 34+ years of payments?

The cost would more than double—to \$428 million.

Bonds like mortgages, must be paid off.

As a technology consumer, have you ever paid for a personal computer with a 34-year loan?

No? But that's what Sunnyvale School District proposes. **The technology will be obsolete in 4-6 years, but you and your neighbors will pay for it for decades.**

Tell Sunnyvale School District that **recurring computer expenses belongs in their annual budget**, using ongoing revenue—not gargantuan, interminable debt burdens on your children and grandchildren.

Has Sunnyvale School District *earned* this additional tax collection?

Here are the test scores for English learners seeking proficiency:

- 2018-19: **43.99% of children failed to meet state standards.**
- 2021-22: **51.34% failed to meet state standards.**

Source: Education Data Partnership (Ed-Data.org)

Test scores *DECLINED!*

Sunnyvale School District failed both its students and taxpayers.

No wonder **enrollment declined by nearly 1,200 students since 2018-19.** (Another reason Sunnyvale School District shouldn't request more money!)

Should you reward those producing 44-51% failure rates with more of your hard-earned money?

If NO, **vote NO on C.**

Parents know: **reward failure, and you get more failure!**

NO on Measure C.

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C-Continued

For more information: SVTaxpayers.org

Mark W. A. Hinkle
President, Silicon Valley Taxpayers Association

Joe Dehn
Chair, Libertarian Party of Santa Clara County

Kennita L. Watson

ARGUMENT AGAINST MEASURE C

From 2004 to 2018, voters in Sunnyvale School District approved **\$316 million in bond debt** for:

"...upgrading science and computers labs, providing computers, repair[ing] school facilities and technology. .."

All that "technology" is now obsolete and needs replacing. But should it be financed as part of a \$214 million loan, plus 34+ years of payments?

The cost would more than double—to \$428 million or more—because bond interest rates can reach 12%.

Yep: **bonds are like mortgages: debt that must be paid off—not merely principal but interest.**

As a technology consumer, have you ever paid for a personal computer with a 34-year loan?

No? But that's what Sunnyvale School District proposes. The technology will be obsolete in 4-6 years, but **you and your neighbors will pay for it for decades.** Perhaps your grandchildren will, too, if they inherit your home.

Tell Sunnyvale School District that **the right place for known, recurring computer expenses is their annual budget**, using ongoing revenue—not gargantuan, interminable debt burdens on your children and grandchildren.

Has Sunnyvale School District *earned* the right to this additional tax collection (on top of the *many* taxes you already shell out)?

Let's examine the latest available school years' test scores for English learners seeking proficiency:

- 2018-19: **43.99% of children failed to meet state standards.**
- 2021-22: **51.34% failed to meet standards.**

Source: Education Data Partnership (Ed-Data.org)

Test scores *DECLINED!*

Sunnyvale School District failed both its students and taxpayers.

No wonder **enrollment declined by nearly 1,200 students since 2018-19.** (Another reason Sunnyvale School District shouldn't request more money!)

Should you, the voter, reward those producing 44-51% failure rates with more of your and your neighbors' hard-earned money?

If you say NO, we encourage you to **vote NO on Measure C.**

Parents know: **reward failure, and you get more failure!**

NO on Measure C.

ARGUMENT AGAINST MEASURE C-Continued

For more information: SVTaxpayers.org

Mark W.A. Hinkle
President, Silicon Valley Taxpayers Association

Kennita L. Watson

REBUTTAL TO ARGUMENT AGAINST MEASURE C

We take great pride in the improvements and upgrades made to our schools over the past 20 years. Our schools were aging with many of the buildings and classrooms having served the community for more than 60 years.

Thanks to the voters in our community, the Sunnyvale School District has been able to renovate and modernize many classrooms and facilities at every school. Our students are proud of their classrooms and excited to learn and grow every day. However, with eight elementary and two middle schools, there is always more to do.

Measure C aligns with the Facilities Master Plan, a comprehensive facilities analysis conducted in 2021 with considerable community input. The Facilities Master Plan focuses on coordinating the district's educational goals with the proposed facility improvements.

Sunnyvale School District does not use bonds funds to buy technology or provide computers. Bonds funds are used to improve infrastructure to make classroom technology available to our students. Schools built in the 1950s and 60s were not equipped to handle 21st Century technology.

The District has been financially prudent, has taken advantage of historically low interest rates, and maintains the highest AAA rating for school bonds to minimize the cost to taxpayers.

Our students deserve the opportunity to learn where they are safe, secure and can utilize the technology they need to be successful in the future.

Please vote Yes on Measure C.

Linda Sell
Sunnyvale City Council

Michael Klein
Small Business Owner

Larry Klein
Mayor, City of Sunnyvale

Kristel Wickham
District Parent

Allison Joe
District Parent