



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Kansen Chu
Councilmember Ash Kalra
Councilmember Xavier Campos

SUBJECT: DISCUSSION REGARDING
NOVEMBER 2012 BALLOT
MEASURE

DATE: June 15, 2012

APPROVED:

[Handwritten signatures: Kansen Chu, Ash Kalra, Xavier Campos]

DATE: 6/15/12

RECOMMENDATION:

1. Place the following item on the August 7, 2012 City Council Agenda:
 - (a) Council discussion and consideration of a charter amendment to require financial support for the San José Library Department on the November 2012 ballot.
 - (1) If the Council wishes to proceed, adoption of a resolution of the City Council calling on its own motion for an election to be held on November 6, 2012.
 - (2) Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2012 Voter's Sample Ballot, pursuant to Elections Code Section 9285.
 - (3) Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2012 Voter's Sample Ballot, pursuant to Elections Code Section 9282.
2. In preparing the ballot question to be approved for a November 2012 ballot measure, City staff should meet with Save San José Libraries proponents to discuss potential changes to the Charter amendment language.

BACKGROUND:

Save San José Libraries was formed in March 2012 and proceeded with signature collection to gather enough signatures to meet the 5% signature threshold, as directed by City staff, to place a charter amendment on the ballot. Over the past several months, Save San José Libraries have collected over 40,000 signatures, from more than 10% of registered voters in the City of San José. It was not until June 6th that the committee learned from the City Clerk and City Attorney that they needed to meet a 15% signature threshold for a charter amendment.

The Save San José Libraries measure proposes to amend the San José City Charter to add a new section that requires the establishment and funding of a "Library Fund" for the City's Library Department. Under the measure, the Library Fund will only be used for the operations and facilities of the Library Department and no overhead costs may be paid from the Library Fund. In addition, the measure proposes that the Library Funds be audited independently each year and that a Library Fund Oversight Committee, appointed by the City Council, review the Library Fund audit and report annually to the Council on the use and management of the fund.

ANALYSIS:

It is within the Council's powers as dictated by the City Charter to place a charter amendment on the ballot by majority vote. This is not a discussion about the merit of the ballot initiative but rather the fairness of the process. We need to respect the voters who signed this petition with the understanding that it would appear on the November 2012 ballot and the dozens of supporters, donors, and others who spent time and resources. Furthermore, staff should also meet with the proponents of the charter amendment prior to final ballot language being written to determine if there are any potential changes to the amendment which can be agreed to by and benefit all concerned.