



**EXECUTIVE BOARD OF DIRECTORS  
REGULAR MEETING AGENDA**

AUGUST 2, 2018 | 5PM

CUPERTINO CITY HALL | 10300 TORRE AVENUE | CUPERTINO, CA 95014

1. Call to order
2. Consent Agenda
  - a. Executive Board Meeting Minutes: June 2018
  - b. Financials/Management Report: June 2018
3. Old Business
  - a. Executive Director Contract
4. New Business
  - a. Annual General Membership Meeting
  - b. December General Membership Dinner
5. Reports & Future Board Agenda Items:
  - a. August BOD meeting agenda
    - i. Legislative Action Committee
    - ii. Cities Selection Committee (Sourcewise)
    - iii. Smart Cities (Peter Leroe-Muñoz chair)
    - iv. Age Friendly (Manny Cappello chair)
    - v. OAC request to present
    - vi. Head Tax: presentations from Cupertino & Mountain View
    - vii. Other possible topics
      1. Airport Land Use Commission update
      2. District Elections
  - b. Priorities progress/ upcoming committee reports
    - i. September: ADUs
  - c. Other topics to be discussed
6. President Report – Rod Sinks
7. City Manager Report – Amy Chan (SCCCMA, Cupertino Interim City Manager)
8. Executive Director Report – Andi Jordan
9. Public Comment
10. Adjournment until August 30\*, 5PM, Cupertino City Hall

\*schedule change for September meetings due to LCC Annual Conv



## **Executive Board of Directors Meeting – Agenda Report**

**Meeting Date:** August 2, 2018

**Subject:** 2a & 2b consent

**Attachments:** June meeting minutes  
Financial/Management Reports: June 2018  
June 2018 reconciliation report  
June 2018 credit card reconciliation report  
Year-end report (Budget vs. Actuals)  
Management Report FY 2018



**EXECUTIVE BOARD OF DIRECTORS  
CLOSED SESSION DRAFT MINUTES**

JUNE 7, 2018 | 5PM

CUPERTINO CITY HALL | 10300 TORRE AVENUE | CUPERTINO, CA 95014

Rod Sinks called the Executive Board Meeting Closed Session to order at 5PM.

Attending: President Rod Sinks (Cupertino), Manny Cappello (Saratoga), Pat Showalter (Mountain View), Larry Klein (Sunnyvale), Marico Sayoc (Los Gatos), Greg Scharff (Palo Alto) entered into close session to discuss Executive Director performance review pursuant to government code section 54957 (b) and 54957(c). Upon conclusion of the closed session, President Rod Sinks reported that the Executive Board voted unanimously for Andi Jordan's to remain as Executive Director and change the position from 30 hours per week to 40 hours per week, exempt status with a salary of \$100,000.

**EXECUTIVE BOARD OF DIRECTORS  
REGULAR MEETING DRAFT MINUTES**

Following the Closed Session, President Rod Sinks called the regular Executive Board meeting to order. Attending was President Rod Sinks (Cupertino), Manny Cappello (Saratoga), Pat Showalter (Mountain View), Larry Klein (Sunnyvale), Marico Sayoc (Los Gatos), Greg Scharff (Palo Alto), David Brandt (SCCMA/Cupertino), Aarti Shrivastava (Cupertino), Andi Jordan (Executive Director).

Pat Showalter motioned, with a second from Manny Cappello, to approve the Consent Agenda consisting of a) Executive Board Meeting Minutes: May 2018, b) Financials/Management Report: April, May 2018. The motion passed unanimously.

Old Business - Organizational Status: Andi Jordan presented the bill received from Hanson Bridgett, and action taken thus far. Greg Scharff motioned, with a second from Manny Cappello, that a letter be sent to Hanson Bridgett stating the Executive Board believes we have a dispute, offering payment of \$1500 for work done. The motion passed unanimously.

New Business: Larry Klein and Andi Jordan presented the 2018-2019 budget. Because of the change for the Executive Director position, Andi and Larry will revise the budget and recirculate prior to the Board of Directors.

History of recent budgets:

- For FY 2016-17, the dues were increased by 5% in order to resume operations without using increased Reserves to meet expenses. Projected Reserves at the end of the FY 2017-18-budget year is \$53,771.32.
- The General Membership Meetings have been funded by sponsors and donations.
- Article VII, Section 2 of the Cities Association Bylaws states "the dues schedule shall be revised every three (3) to four (4) years."
- There was no increase in dues for the FY 2017-18 Proposed Budget.
- The budgets have not contained any money for Board of Directors projects or priorities other than \$1000 for sponsorship in the Regional Economic Forum.

Recommendations for 2018-2019:

- Appoint a committee to look at the dues structure for future years.
  - Approve a simplified budget allowing the Executive Director some flexibility to move funds between accounts (such as allowing changes in office expenditures).
  - Include line item to continue addressing the organizational status issue.
  - Addition of increased Board of Directors Priorities/Projects line item which could be used to hire intern for legislative activities, or other projects as the board deems necessary.
  - Membership meetings budgeted and price for member tickets established at \$45.
  - Includes budget for website redesign, but increased amount from \$700 to \$2000 (for current year).
- Larry Klein motioned that the budget be approved, with the addition of the budget increase for the Executive Director. Greg Scharff seconded the motion, and the Executive Board unanimously concurred.

ELGL Pop-Up Conference, October 12, 2018: Andi Jordan presented a request from ELGL, Engaging Local Government Leaders, to co-sponsor the ELGL Pop-Up Conference to be held in Los Angeles.

- #ELGLPopUps are one-day conferences held across the country on the same day.
- These events allow for regional travel, while still keeping attendees connected with the nationwide conference themes and topics.
- In 2018, the conference theme is "Choose Your Own Local Government Adventure" and pop ups will be held in Los Angeles, Portland, Milwaukee, and Miami.
- The conference includes breakfast, lunch, and a social hour, and a full day of educational sessions focused on the variety of leadership paths and roles in local governments.
- 125 people are expected to attend at each of the four locations.
- Tickets are \$50/members and \$90/non members (includes a one year ELGL membership).

Benefits for Cities Association:

- One comped conference ticket
- Named sponsorship on all #ELGLPopUps materials
- Named sponsorship on ELGL social media channels
- Blog profile on the Cities Association and its work/mission
- Two GovLove podcast ads
- In-Kind Sponsorship Request:
- In exchange for the named benefits, ELGL asks that the Cities Association promote and market the #ELGLPopUps agenda and registration materials via your association website, calendar, email newsletters, social media channels, and any other communications channels.

Manny Cappello motioned, with a second from Pat Showalter, to co-sponsor the ELGL popup. The motion passed with unanimous consent.

The Executive Board reviewed and modified the Board Agenda.

- a. June BOD meeting agenda
  - i. Legislative Action Committee
  - ii. Cities Association Selection Committee:
    1. ABAG (2 seats/2 alternates)
    2. RSA (possible appointment)

- iii. RHNA Sub Region (summary & highlights – no decision)
- iv. Santa Clara/Santa Cruz Roundtable
- v. Vehicle Dwellers (Pat Showalter chair)

The meeting was adjourned until the next meeting on August 2nd, 5PM, Cupertino City Hall.

CITIES ASSOCIATION OF SANTA CLARA COUNTY

Checking - Union Bank, Period Ending 06/30/2018

RECONCILIATION REPORT

Reconciled on: 07/18/2018

Reconciled by: BestBooks4U Bookkeeping & QuickBooks Consulting

Any changes made to transactions after this date aren't included in this report.

Summary

USD

Statement beginning balance.....	4,932.05
Checks and payments cleared (9).....	-9,428.28
Deposits and other credits cleared (1).....	7,000.00
Statement ending balance.....	<u>2,503.77</u>
Uncleared transactions as of 06/30/2018.....	-2,500.00
Register balance as of 06/30/2018.....	3.77
Cleared transactions after 06/30/2018.....	0.00
Uncleared transactions after 06/30/2018.....	16,580.36
Register balance as of 07/18/2018.....	16,584.13

Details

Checks and payments cleared (9)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
06/04/2018	Expense		Gusto	-45.00
06/12/2018	Expense		AP Intego	-43.00
06/15/2018	Expense		Great American Insurance Gr...	-138.42
06/18/2018	Credit Card Credit			-1,422.14
06/19/2018	Transfer			-1,422.14
06/25/2018	Journal	Gusto		-2,146.27
06/25/2018	Journal	Gusto		-4,133.31
06/27/2018	Check	2774	Santa Clara County Clerk/Rec...	-75.00
06/29/2018	Expense		Union Bank	-3.00

Total -9,428.28

Deposits and other credits cleared (1)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
06/21/2018	Transfer			7,000.00

Total 7,000.00

Additional Information

Uncleared checks and payments as of 06/30/2018

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
06/20/2018	Check	2772	Hanson Bridgett, LLP	-1,500.00
06/25/2018	Check	2773	Foothill Club	-1,000.00

Total -2,500.00

Uncleared checks and payments after 06/30/2018

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
07/03/2018	Expense		Gusto	-45.00
07/09/2018	Expense		AP Intego	-43.00
07/16/2018	Expense		Great American Insurance Gr...	-138.42

Total -226.42

Uncleared deposits and other credits after 06/30/2018

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
07/12/2018	Deposit		Christina Turner	8,403.39
07/13/2018	Deposit		James Lindsay	8,403.39
<b>Total</b>				<b>16,806.78</b>

CITIES ASSOCIATION OF SANTA CLARA COUNTY

First National Bank of Omaha, Period Ending 06/25/2018

RECONCILIATION REPORT

Reconciled on: 07/18/2018

Reconciled by: BestBooks4U Bookkeeping & QuickBooks Consulting

Any changes made to transactions after this date aren't included in this report.

Summary

USD

Statement beginning balance.....	1,422.14
Charges and cash advances cleared (12).....	585.66
Payments and credits cleared (2).....	-2,844.28
Statement ending balance.....	-836.48

Register balance as of 06/25/2018.....	-836.48
Cleared transactions after 06/25/2018.....	0.00
Uncleared transactions after 06/25/2018.....	56.99
Register balance as of 07/18/2018.....	-779.49

Details

Charges and cash advances cleared (12)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
05/29/2018	Expense		FedEx Office	39.11
06/04/2018	Expense		CalNonprofits	125.00
06/07/2018	Expense		FedEx Office	40.38
06/08/2018	Expense		www.1and1.com	20.17
06/15/2018	Expense		FedEx Office	36.41
06/15/2018	Expense		FedEx Office	80.34
06/18/2018	Expense		Pizza my Heart	132.00
06/18/2018	Expense		FedEx Office	45.76
06/18/2018	Expense		Intuit	15.00
06/18/2018	Expense		Adobe	14.99
06/19/2018	Expense		Intuit	24.00
06/20/2018	Expense		Microsoft	12.50

Total 585.66

Payments and credits cleared (2)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
06/18/2018	Credit Card Credit			-1,422.14
06/19/2018	Transfer			-1,422.14

Total -2,844.28

Additional Information

Uncleared charges and cash advances after 06/25/2018

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
06/26/2018	Expense		San Jose Post-Record	42.00
07/17/2018	Expense		Adobe	14.99

Total 56.99



# CITIES ASSOCIATION OF SANTA CLARA COUNTY

## BALANCE SHEET

As of June 30, 2018

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
Checking - Union Bank	3.77
<b>Total Bank Accounts</b>	<b>\$3.77</b>
Accounts Receivable	
Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$0.00</b>
Other Current Assets	
Accrued Interest	44.60
LAIF Funds	56,811.61
Undeposited Funds	0.00
Venue Deposit	1,000.00
<b>Total Other Current Assets</b>	<b>\$57,856.21</b>
<b>Total Current Assets</b>	<b>\$57,859.98</b>
Fixed Assets	
Accumulated Depreciation	-1,372.97
Machinery and Equipment	2,203.41
<b>Total Fixed Assets</b>	<b>\$830.44</b>
<b>TOTAL ASSETS</b>	<b>\$58,690.42</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$0.00</b>
Credit Cards	
First National Bank of Omaha	-794.48
<b>Total Credit Cards</b>	<b>\$ -794.48</b>
Other Current Liabilities	
Accrued Expenses	0.00
Accrued Payroll	0.00
Payroll Liabilities	590.20
FICA	
Company	0.00
<b>Total FICA</b>	<b>0.00</b>
Payroll Taxes Payable	0.00
SDI	0.00
State Withholding	-379.32
<b>Total Payroll Liabilities</b>	<b>210.88</b>
<b>Total Other Current Liabilities</b>	<b>\$210.88</b>
<b>Total Current Liabilities</b>	<b>\$ -583.60</b>

	TOTAL
<b>Total Liabilities</b>	<b>\$ -583.60</b>
Equity	
Opening Bal Equity	-34.00
Reserves	0.00
Reserve for Equip. Replacement	0.00
Reserve for New Equip.	5,000.00
Reserve for Operations	35,000.00
Reserve for Program/Ooport.	0.00
Unreserved	0.00
<b>Total Reserves</b>	<b>40,000.00</b>
Unrestricted Fund Balance	18,051.44
Net Income	1,256.58
<b>Total Equity</b>	<b>\$59,274.02</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$58,690.42</b>

# Management Report

CITIES ASSOCIATION OF SANTA CLARA COUNTY

For the period ended June 30, 2018



Prepared on

**July 30, 2018**

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# Profit and Loss

June 2018

	<b>Total</b>
<b>INCOME</b>	
Interest	320.18
<b>Total Income</b>	<b>320.18</b>
<b>GROSS PROFIT</b>	
<b>320.18</b>	
<b>EXPENSES</b>	
Dues and Subscriptions	125.00
Office	
Hospitality	132.00
Insurance	138.42
Internet - Web Hosting Services	20.17
Miscellaneous	
Bank Service Charges	3.00
<b>Total Miscellaneous</b>	<b>3.00</b>
Printing and Copying	202.89
Software Licenses	66.49
<b>Total Office</b>	<b>562.97</b>
Office/General Administrative Expenses	117.00
Professional Services	
Consultants	1,500.00
Employee Expenses	
Payroll Service Fees	45.00
Payroll Taxes	446.25
Payroll Wages/Salary	5,833.33
<b>Total Employee Expenses</b>	<b>6,324.58</b>
<b>Total Professional Services</b>	<b>7,824.58</b>
Workers Compensation	43.00
<b>Total Expenses</b>	<b>8,672.55</b>
<b>NET OPERATING INCOME</b>	<b>-8,352.37</b>
<b>NET INCOME</b>	<b>\$ -8,352.37</b>

# Balance Sheet

As of June 30, 2018

	<b>Total</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Bank Accounts</b>	
Checking - Union Bank	3.77
<b>Total Bank Accounts</b>	<b>3.77</b>
<b>Other Current Assets</b>	
Accrued Interest	44.60
LAIF Funds	56,811.61
Venue Deposit	1,000.00
<b>Total Other Current Assets</b>	<b>57,856.21</b>
<b>Total Current Assets</b>	<b>57,859.98</b>
<b>Fixed Assets</b>	
Accumulated Depreciation	-1,372.97
Machinery and Equipment	2,203.41
<b>Total Fixed Assets</b>	<b>830.44</b>
<b>TOTAL ASSETS</b>	<b>\$58,690.42</b>
<b>LIABILITIES AND EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Credit Cards</b>	
First National Bank of Omaha	-794.48
<b>Total Credit Cards</b>	<b>-794.48</b>
<b>Other Current Liabilities</b>	
Payroll Liabilities	590.20
State Withholding	-379.32
<b>Total Payroll Liabilities</b>	<b>210.88</b>
<b>Total Other Current Liabilities</b>	<b>210.88</b>
<b>Total Current Liabilities</b>	<b>-583.60</b>
<b>Total Liabilities</b>	<b>-583.60</b>
<b>Equity</b>	
Opening Bal Equity	-34.00
Reserves	0.00
Reserve for New Equip.	5,000.00
Reserve for Operations	35,000.00
<b>Total Reserves</b>	<b>40,000.00</b>
Unrestricted Fund Balance	18,051.44
Net Income	1,256.58
<b>Total Equity</b>	<b>59,274.02</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$58,690.42</b>

# Management Report

CITIES ASSOCIATION OF SANTA CLARA COUNTY

For the period ended June 30, 2018



Prepared on

**July 26, 2018**

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# Profit and Loss

July 2017 - June 2018

	<b>Total</b>
<b>INCOME</b>	
Directory Income	915.00
Dues Income	87,868.00
Interest	1,112.28
<b>Total Income</b>	<b>89,895.28</b>
<b>GROSS PROFIT</b>	
	<b>89,895.28</b>
<b>EXPENSES</b>	
Dues and Subscriptions	650.00
Interest Expense	21.58
Office	
Directory Production	961.38
Dues and Subscriptions	540.00
Hospitality	759.73
Insurance	821.52
Internet - Web Hosting Services	219.66
Miscellaneous	
Bank Service Charges	71.00
<b>Total Miscellaneous</b>	<b>71.00</b>
Post Office Box	162.80
Postage and Delivery	173.55
Printing and Copying	723.77
Recognition	390.22
Software Licenses	761.37
Supplies and Equipment	455.78
Telephone	443.85
<b>Total Office</b>	<b>6,484.63</b>
Office/General Administrative Expenses	117.00
Other Miscellaneous Service Cost	12.71
Professional Services	
Consultants	2,568.75
Employee Expenses	
Payroll Service Fees	427.50
Payroll Taxes	9,948.28
Payroll Wages/Salary	66,420.51
<b>Total Employee Expenses</b>	<b>76,796.29</b>
<b>Total Professional Services</b>	<b>79,365.04</b>
Programs and Initiatives	1,000.00
Workers Compensation	430.00
<b>Total Expenses</b>	<b>88,080.96</b>
<b>NET OPERATING INCOME</b>	<b>1,814.32</b>
<b>OTHER INCOME</b>	
General Membership Meeting	3,507.20

	<b>Total</b>
Interest Income	325.16
Membership Dinners - Proceeds	2,345.00
Membership Dinners - Sponsors	10,000.00
<b>Total Other Income</b>	<b>16,177.36</b>
<b>OTHER EXPENSES</b>	
General Meeting - catering	4,242.03
General meeting - office supplies/signage	357.73
Holiday party - entertainment	509.00
Membership Dinners - Cost	11,626.34
<b>Total Other Expenses</b>	<b>16,735.10</b>
<b>NET OTHER INCOME</b>	<b>-557.74</b>
<b>NET INCOME</b>	<b>\$1,256.58</b>

# Balance Sheet

As of June 30, 2018

	Total
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Bank Accounts</b>	
Checking - Union Bank	3.77
<b>Total Bank Accounts</b>	<b>3.77</b>
<b>Other Current Assets</b>	
Accrued Interest	44.60
LAIF Funds	56,811.61
Venue Deposit	1,000.00
<b>Total Other Current Assets</b>	<b>57,856.21</b>
<b>Total Current Assets</b>	<b>57,859.98</b>
<b>Fixed Assets</b>	
Accumulated Depreciation	-1,372.97
Machinery and Equipment	2,203.41
<b>Total Fixed Assets</b>	<b>830.44</b>
<b>TOTAL ASSETS</b>	<b>\$58,690.42</b>
<b>LIABILITIES AND EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Credit Cards</b>	
First National Bank of Omaha	-794.48
<b>Total Credit Cards</b>	<b>-794.48</b>
<b>Other Current Liabilities</b>	
Payroll Liabilities	590.20
State Withholding	-379.32
<b>Total Payroll Liabilities</b>	<b>210.88</b>
<b>Total Other Current Liabilities</b>	<b>210.88</b>
<b>Total Current Liabilities</b>	<b>-583.60</b>
<b>Total Liabilities</b>	<b>-583.60</b>
<b>Equity</b>	
Opening Bal Equity	-34.00
Reserves	0.00
Reserve for New Equip.	5,000.00
Reserve for Operations	35,000.00
<b>Total Reserves</b>	<b>40,000.00</b>
Unrestricted Fund Balance	18,051.44
Net Income	1,256.58
<b>Total Equity</b>	<b>59,274.02</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$58,690.42</b>

# CITIES ASSOCIATION OF SANTA CLARA COUNTY

BUDGET VS. ACTUALS: FY 2018 (JULY 1, 2017 - JUNE 30, 2018) - FY18 P&L

July 2017 - June 2018

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
<b>Income</b>				
Directory Income	915.00	1,000.00	-85.00	91.50 %
Dues Income	87,868.00	87,866.00	2.00	100.00 %
Gusto/Payroll	0.00		0.00	
Interest	1,112.28	500.00	612.28	222.46 %
<b>Total Income</b>	<b>\$89,895.28</b>	<b>\$89,366.00</b>	<b>\$529.28</b>	<b>100.59 %</b>
<b>GROSS PROFIT</b>	<b>\$89,895.28</b>	<b>\$89,366.00</b>	<b>\$529.28</b>	<b>100.59 %</b>
<b>Expenses</b>				
Dues and Subscriptions	650.00	460.00	190.00	141.30 %
Interest Expense	21.58		21.58	
<b>Office</b>				
Conferences/Director's Expenses		650.00	-650.00	
Directory Production	961.38	1,000.00	-38.62	96.14 %
Dues and Subscriptions	540.00	460.00	80.00	117.39 %
Hospitality	759.73	420.00	339.73	180.89 %
Insurance	821.52	1,700.00	-878.48	48.32 %
Internet - Web Hosting Services	219.66	560.00	-340.34	39.23 %
<b>Miscellaneous</b>				
Bank Service Charges	71.00	36.00	35.00	197.22 %
<b>Total Miscellaneous</b>	<b>71.00</b>	<b>36.00</b>	<b>35.00</b>	<b>197.22 %</b>
Post Office Box	162.80	86.00	76.80	189.30 %
Postage and Delivery	173.55	230.00	-56.45	75.46 %
Printing and Copying	723.77	25.00	698.77	2,895.08 %
Recognition	390.22	200.00	190.22	195.11 %
<b>Repairs and Maintenance</b>				
Equipment Repairs		125.00	-125.00	
<b>Total Repairs and Maintenance</b>		<b>125.00</b>	<b>-125.00</b>	
Software Licenses	761.37	550.00	211.37	138.43 %
Supplies and Equipment	455.78	425.00	30.78	107.24 %
Telephone	443.85	650.00	-206.15	68.28 %
Website Update		700.00	-700.00	
<b>Total Office</b>	<b>6,484.63</b>	<b>7,817.00</b>	<b>-1,332.37</b>	<b>82.96 %</b>
Office/General Administrative Expenses	117.00		117.00	
Other Miscellaneous Service Cost	12.71		12.71	
<b>Professional Services</b>				
Consultants	2,568.75	20,000.00	-17,431.25	12.84 %
<b>Employee Expenses</b>				
Payroll Service Fees	427.50	1,000.00	-572.50	42.75 %
Payroll Taxes	9,948.28	7,000.00	2,948.28	142.12 %
Payroll Wages/Salary	66,420.51	70,000.00	-3,579.49	94.89 %
<b>Total Employee Expenses</b>	<b>76,796.29</b>	<b>78,000.00</b>	<b>-1,203.71</b>	<b>98.46 %</b>
<b>Total Professional Services</b>	<b>79,365.04</b>	<b>98,000.00</b>	<b>-18,634.96</b>	<b>80.98 %</b>

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Programs and Initiatives	1,000.00		1,000.00	
Project Support		1,000.00	-1,000.00	
<b>Total Programs and Initiatives</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>100.00 %</b>
Workers Compensation	430.00	520.00	-90.00	82.69 %
<b>Total Expenses</b>	<b>\$88,080.96</b>	<b>\$107,797.00</b>	<b>\$ -19,716.04</b>	<b>81.71 %</b>
<b>NET OPERATING INCOME</b>	<b>\$1,814.32</b>	<b>\$ -18,431.00</b>	<b>\$20,245.32</b>	<b>-9.84 %</b>
Other Income				
General Membership Meeting	3,507.20		3,507.20	
Interest Income	325.16		325.16	
Membership Dinners - Proceeds	2,345.00		2,345.00	
Membership Dinners - Sponsors	10,000.00	14,000.00	-4,000.00	71.43 %
<b>Total Other Income</b>	<b>\$16,177.36</b>	<b>\$14,000.00</b>	<b>\$2,177.36</b>	<b>115.55 %</b>
Other Expenses				
General Meeting - catering	4,242.03		4,242.03	
General meeting - office supplies/signage	357.73		357.73	
Holiday party - entertainment	509.00		509.00	
Membership Dinners - Cost	11,626.34	14,000.00	-2,373.66	83.05 %
<b>Total Other Expenses</b>	<b>\$16,735.10</b>	<b>\$14,000.00</b>	<b>\$2,735.10</b>	<b>119.54 %</b>
<b>NET OTHER INCOME</b>	<b>\$ -557.74</b>	<b>\$0.00</b>	<b>\$ -557.74</b>	<b>0.00%</b>
<b>NET INCOME</b>	<b>\$1,256.58</b>	<b>\$ -18,431.00</b>	<b>\$19,687.58</b>	<b>-6.82 %</b>



## **Executive Board of Directors Meeting – Agenda Report**

**Meeting Date:** August 2, 2018

**Subject:** 3. Executive Director contract

**Attachments:** Current Contract

At the June meetings of the Executive Board and Board of Directors, approval of a new salary for the Executive Director was given. A new contract is required as the ED is only under one-year contract.

A proposed contract will be presented to the Executive Board at the meeting.

Items for consideration to change or include:

- Does the Board wish to continue yearly contracts or make a longer contract?
- Current contract says there is no renegotiation until June. This timeline doesn't allow the Board to properly prepare the budget.
- Does the Board wish to add a clause for continuing the contract at year end as a month to month basis if a contract lapses until a new contract is signed?
- The Executive Director is asking for an indemnification clause.

## **Employment Agreement**

This agreement dated July 1, 2017, is established by and between the Cities Association of Santa Clara County (“Association”) and Andi Jordan (“Employee”).

### **Recitals**

The Cities Association of Santa Clara County is an organization comprised of all the cities in Santa Clara County, California. Its functions include dealing generally with issues of common interest to all cities, and monitoring legislation and lobbying.

Andi Jordan will render services to the Association as its Executive Director.

NOW, therefore, in consideration of the above recitals and of the mutual promises and conditions in this Agreement, the Association and the Employee agree as follows.

Section 1. Services. Employee shall render services to the Association as Executive Director. She shall report to and shall be supervised by the President of the Association.

Section 2. Hours of Employee and Duties of Employee. Employee shall work not less than 30 hours per week on a part-time basis, salary-exempt. While arrangements with previous Executive Directors may have included part-time/hourly work, this contract expressly states a part-time, salary-exempt understanding. Employee’s duties shall include but not be limited to what is outlined in Attachment A to this agreement.

Section 3. Term. The term of the Agreement shall be for a period beginning July 1, 2017, and ending June 30, 2018, unless terminated sooner. This agreement may be renewed, depending upon available funding and a satisfactory working relationship.

Section 4. Supervision, Review and Evaluation. Employee shall discharge her duties in consultation with and under the supervision of the President. Employee shall submit a written annual report of all work completed to the Executive Committee for review. Employee shall be reviewed and evaluated by the Executive Committee at their meeting in June 2018. Reviews shall consider performance, compensation, hours worked and organizational staffing needs. Contract renegotiation will be considered no sooner than June 2018.

Section 5. Compensation and Benefits. Employee shall receive an annual payment of \$70,000 for the months of July 2017 – June 2018 (5,833.33/month). No benefits and no allowances are included in the compensation package. Payment for health insurance costs shall be made by the Employee. Employee shall be reimbursed for Association related expenses only such as meal costs at meetings. The Association shall cause to be withheld from each monthly payment above described those amounts necessary to comply with federal and state income tax withholding

laws. Employee shall submit request for paid time off at least seven days in advance of requested date off. Requests must be submitted in writing and clearly indicate the number of days and/or hours requested off.

Section 6. Other Employment. Employee may engage in other employment or occupation outside their regular working hours if such employment does not interfere with the efficient performance of their duties. Employee must make request and receive approval in writing prior to beginning second employment. Such employment must be approved by the Cities Association Executive Board. Such approval for outside employment may be revoked by the Cities Association if the efficiency of the employee is being impaired thereby. -Employee shall not use Association materials, equipment, facilities, personnel or other resources in conjunction with any other employment.

Section 7. Termination. Either party may terminate this agreement without cause at any time upon one month's written notice. If Employee becomes unable to attend to the duties set forth and it becomes necessary for the Association to replace Employee, either temporarily or permanently, the Association may do so and at the same time may suspend payment of Employee's salary. In the event the position is eliminated, Employee shall receive one month's written notice.

Section 8. Notices. Any notice required by the Agreement shall be given in writing and be deemed sufficiently given when delivered in person or when sent by certified or registered mail to:

Andi Jordan  
1572 Landell Court  
Los Altos, CA 94024

Executed by the parties or their duly authorized representatives.

Cities Association of Santa Clara County



Greg Scharff, President



Andi Jordan, Executive Director



**ATTACHMENT A**

**SCOPE OF DUTIES**  
**EXECUTIVE DIRECTOR**  
**CITIES ASSOCIATION of SANTA CLARA COUNTY**

1. Attend monthly meetings of the Cities Association, and prepare agendas and minutes for meetings.
2. Attend all Executive Committee meetings and prepare agendas and minutes for meetings.
3. Handle all correspondence on behalf of the Association.
4. Conduct legislative analysis and research as requested.
5. Prepare the annual budget and monthly financial reports and perform other administrative functions or duties as directed.
6. Represent the Association at various political and legislative functions as required, such as Peninsula Division and other League of California meetings.
7. Perform such other duties as may be required for the good of the Association.
8. In conjunction with the president, plan and manage general membership meetings and events.



## **Executive Board of Directors Meeting – Agenda Report**

- Meeting Date:** August 2, 2018
- Subject:** 4a & b  
General Membership Dinner 2018 (December)  
General Membership Meeting 2019 & General Membership Dinner 2019
- Attachments:** NONE
- Request:** The Board of Directors previously selected Friday, December 14<sup>th</sup> as the Annual General Membership Dinner for 2018. The venue is not available but is available on Friday, December 7<sup>th</sup>. The Executive Board is being asked to approve the change.
- The events for 2019 are already in the planning stages because of venue availability. The dates will be:  
Friday, May 10, 2019 at West Valley Community College  
Friday, December 6, 2019 at Saratoga Foothill Club
- Budget Impact:** no cost for changes



## **Executive Board of Directors Meeting – Agenda Report**

**Meeting Date:** August 2, 2018

**Subject:** 5a Reports & Future Board Agenda Items

**Attachments:** August BOD meeting agenda

- Legislative Action Committee
- Cities Selection Committee (Sourcewise)
- Smart Cities (Peter Leroe-Muñoz chair)
- Age Friendly (Manny Cappello chair)
- OAC request to present
- Head Tax: presentations from Cupertino & Mountain View
- Other possible topics
- Airport Land Use Commission update
- District Elections

Priorities progress/ upcoming committee reports

- September: ADUs

Other topics to be discussed

**Subject:** Taking Mountain View's Updated Equitable Communities Resolution to the Cities Association Santa Clara County  
**Date:** Thursday, June 28, 2018 at 3:32:53 PM Pacific Daylight Time  
**From:** Gaines, Melvin  
**To:** Pat Showalter  
**CC:** Rich, Dan, Andi Jordan  
**Attachments:** image001.jpg, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, Equitable Communities Resolution\_UPDATED 10-24-17\_.pdf, 10-24-17 Council Meeting Minutes.pdf

Good morning Councilmember Showalter,

During the Sanctuary City discussion at the October 24, 2017, Council Meeting, Council moved to amend the Equitable Communities Resolution to include updated language about the City refraining from using resources to assist or support any government program requiring the registration of individuals (see attached minutes, item 7.1). Specifically, the following language was added:

The City of Mountain View does not use resources to create, implement, provide investigation or information for enforcement, or otherwise assist or support any government program requiring the registration of individuals, creation of a database of individuals, and/or detention relocation or internment of individuals on the basis of religion, national origin, or ethnicity.

Council also gave direction for the resolution to be taken to the Cities Association of Santa Clara County and recommend that all cities adopt the resolution. During the Council meeting, you mentioned that you would take the updated resolution to the Cities Association. I've attached a copy of the updated resolution, and copied Andi Jordan from the Cities association in this message. Please let me know if you would like further support in taking this updated resolution to the Cities Association.

Best regards,

Melvin



**Melvin E. Gaines, Principal Management Analyst**  
City of Mountain View – City Manager's Office  
Phone: 650-903-6397  
eFax: 650-963-3096



CITY OF MOUNTAIN VIEW  
RESOLUTION NO. 18170A  
SERIES 2017

A RESOLUTION REAFFIRMING THE CITY'S COMMITMENT TO  
A DIVERSE, SUPPORTIVE, INCLUSIVE COMMUNITY AND TO  
PROTECTING THE CONSTITUTIONAL RIGHTS OF ITS RESIDENTS

WHEREAS, the City of Mountain View ("City") values a community characterized by diversity, multiculturalism, and unity and acknowledges that the dignity, health, rights, and privacy of all our residents must be respected; and

WHEREAS, the City is committed to protecting the constitutional rights of all of our residents; and

WHEREAS, each person is naturally and legally entitled to live a life without harassment, discrimination, persecution, or assault, whether perpetrated by individuals, groups, businesses, or governments; and

WHEREAS, there exists significant and growing concern among our residents based upon recent national and regional incidents of hate crimes, intolerance of religious beliefs, discrimination, sexual harassment, and assault, and the fear of a trend toward more of these crimes in the future; and

WHEREAS, there also exists considerable concern in our City about the potential risks for discrimination, harassment, persecution, assault, and deportation; and

WHEREAS, the City and its residents continually reject bigotry and affirm their commitment to a diverse, supportive, inclusive community; and

WHEREAS, all members of the City are valued regardless of religion, immigration status, ethnicity, disability, gender, sexual orientation, or gender identity;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mountain View hereby reaffirms its commitment to a diverse, supportive, and inclusive community and resolves as follows:

The City of Mountain View rejects bigotry in all its forms, including, but not limited to, Islamophobia, anti-Semitism, racism, nativism, misogyny, and homophobia; and

The City of Mountain View does not tolerate discrimination based on race, national origin, ethnicity, religion, age, gender, sexual orientation, color, or disability; and

The City of Mountain View does not tolerate hate crimes, harassment, or assault; and

The City of Mountain View will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the City, regardless of religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity; and

The City of Mountain View will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by City officials and departments.

The City of Mountain View does not use resources to create, implement, provide investigation or information for enforcement, or otherwise assist or support any government program requiring the registration of individuals, creation of a database of individuals, and/or detention, relocation, or internment of individuals on the basis of religion, national origin, or ethnicity.

Members of the Mountain View Police Department will not detain or arrest any person on the basis of a person's citizenship or status under civil immigration laws.

-----

The foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the City of Mountain View, duly held on the 24th day of October 2017, by the following vote:


AYES: Councilmembers Abe-Koga, Clark, Matichak, McAlister, Showalter, Vice Mayor Siegel, and Mayor Rosenberg

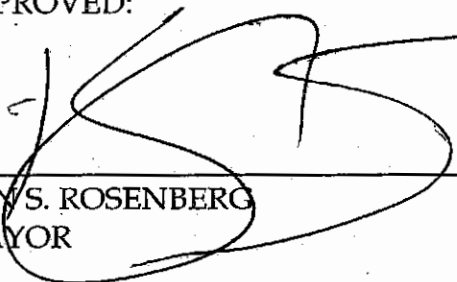
NOES: None

ABSENT: None


ATTEST:

APPROVED:

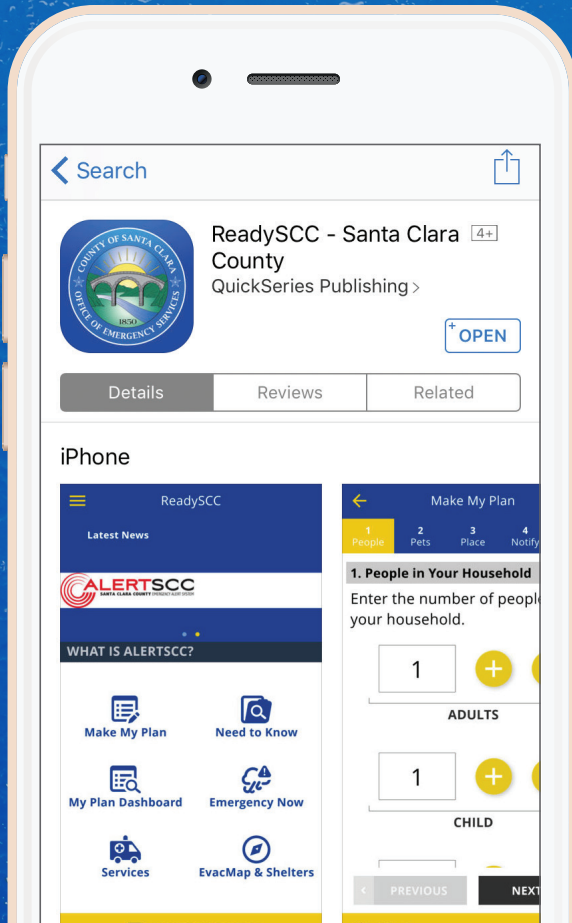
  
\_\_\_\_\_  
LISA NATUSCH  
CITY CLERK

  
\_\_\_\_\_  
KEN S. ROSENBERG  
MAYOR

I do hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 24th day of October 2017, by the foregoing vote.

  
\_\_\_\_\_  
City Clerk  
City of Mountain View

CG/1/RESO  
608-10-24-17r-E



# READY SANTA CLARA COUNTY COMMUNITY PREPAREDNESS APP

## Your Family Emergency Plan

Creating a personalized plan has never been easier

## Emergency Services and Shelters

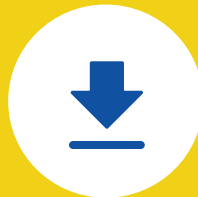
Find out about the nearest emergency shelters and special services in your area

## Evacuation Maps and Routes

Get instant access to evacuation maps and know which routes are safe



Find peace of  
mind




Download your  
free app today



Help keep your  
loved ones safe

## Download Your Ready SCC Community Preparedness App

1. From your mobile device internet browser, go to: <http://readydl.com/ready-scc>
2. Select "App Store" if you're using an iPhone or "Google Play" if you're using an Android smartphone
3. Click on 
4. Launch the app





## Frequently Asked Questions

**Q: How much does *ReadySCC* cost? / Who pays for *ReadySCC*?**

A: *ReadySCC* is free to users. It is paid for by the County of Santa Clara with grant funds provided by the Department of Homeland Security. The *Need to Know Flood Preparedness* eGuide provided with *ReadySCC* was paid for by the Santa Clara Valley Water District. The app is not only free to download it is also free of pop-up ads and advertisements of any kind.

**Q: Why should I sign up for *ReadySCC*?**

A: *ReadySCC* is a very useful tool you can use to prepare you and your family for disasters of any type—e.g. Earthquakes, Flooding, Wildfires. As the overarching theme for Disaster Preparedness Month says: “Disasters Don’t Plan Ahead. You Can.”

**Q: How does *ReadySCC* work?**

A: *ReadySCC* is an interactive app you use to create an emergency supply kit, stock food and water, first aid kits, go-bags as well as store critical information such as out-of-town contacts and meet-up locations for family members. It also includes what you need to know about common disasters in our region, such as earthquakes, floods and wildfires as well as local services, resources, and tools (a flashlight, SOS beacon and Alarm) that you may need during a disaster.

**Q: What does *ReadySCC* do with the information I enter in the App? Is it kept confidential? Is it stored on the Cloud?**

A: The information you enter in *ReadySCC* is stored on your phone and is not uploaded to either QuickSeries, County servers, or the Cloud. The only information the County receives about the App is how many times it has been downloaded.

**Q: Do other counties have systems like this? Have similar systems been used successfully?**

A: Yes, currently more than 30 counties are successfully using a system like this, including Alameda and San Bernardino Counties in California as well as Harris County, Texas (where Houston is located) have “*Ready*” apps.

**Q: Is *ReadySCC* available in any languages other than English?**

A: Currently *ReadySCC* is only available in English. *ReadySCC* was launched and first made available to the public in September 2017. Future releases may include versions in other languages frequently spoken in Santa Clara County.

**Q: Where does the information in *ReadySCC* come from?**



A: The information and recommendations found on [ReadySCC](#) and in the Need to Know Guides is based on preparedness information published by the Federal Emergency Management Agency (FEMA) and Department of Homeland Security. Most of this information is also available on the Federal Government's Ready.gov website.

**Q: Do I need to download [ReadySCC](#) if I've already signed up for [AlertSCC](#)?**

A: Yes. Please sign-up for [AlertSCC](#) to ensure you receive important advisories, alerts and warnings in the event of a disaster. Be sure to also download and use [ReadySCC](#) so that you're prepared to take care of yourself and your family when you receive an emergency alert or a disaster strikes without warning. If you haven't done so yet, sign up for [AlertSCC](#) here: [www.alertscc.com](http://www.alertscc.com).

**Q: How do I download [ReadySCC](#)?**

A: [ReadySCC](#) is available from the App Store to download to an iPhone or iPad and from Google Play for download to an Android device. Here is the link to download: [readydl.com/ready-scc](http://readydl.com/ready-scc)

**Q: Does [ReadySCC](#) work if I don't have phone or internet service?**

A: [ReadySCC](#) stores your information and the things you need to know on your cell phone so that it's ready and available in the event of a disaster. When you're without data/internet access you won't be able to receive updates on things like Evacuation Centers, Shelters or Evacuation Routes through the app. Once you're able to connect you'll receive all of the latest information available on the app.

**Q: Who created/published the [ReadySCC](#) App?**

A: QuickSeries Publishing Inc, a publisher of pocket guides about a wide-range of subjects since 1992, launched their emergency preparedness app in 2016. You can find out more about QuickSeries at: <http://quickseries.com/about-us/>.



## REQUEST TO PRESENT TO THE BOARD OF DIRECTORS

Return to [executive\\_director@citiesassociation.org](mailto:executive_director@citiesassociation.org) at least 2 weeks prior to the Board Meeting for consideration.

**NAME OF ORGANIZATION:** SANTA CLARA COUNTY OFFICE OF EMERGENCY SERVICES  
**Name of Contact Person:** Ivan Williams  
**Phone:** 408-808-7835  
**Email:** [ivan.williams@oes.sccgov.org](mailto:ivan.williams@oes.sccgov.org)  
**Presenters:** Patty Eaton

### REQUEST (WHAT WILL BE PRESENTED?):

**AlertSCC** – is Santa Clara County’s system for signing up for emergency alerts. AlertSCC is a free, easy, and confidential way for anyone who lives or works in Santa Clara County to get emergency warnings sent directly to their cell phone, mobile device, email, or landline. AlertSCC provides information and instructions in a variety of emergency situations, including:

- Flooding, wildfires and subsequent evacuations
- Public safety incidents, including crimes, that immediately affect your neighborhood
- Post-disaster information about shelters, transportation, or supplies

The Cities Association will also receive an overview of the Federal, State and local public alert and warning system.

### RELEVANCE TO THE CITIES ASSOCIATION:

Knowing how your community is informed about disasters is key. Every family and individual, but especially those in government, in Santa Clara County need to know when a disaster happens—whether it is an earthquake, fire, flood or otherwise. We’re interested in sharing **AlertSCC** with the Cities Association so they can personally sign up for it and also share with their colleagues and their community.

### WHAT ACTION IS REQUESTED OF THE CITIES ASSOCIATION?

Learn what local policy makers need to know about our local emergency alert and warning system and how it is used in an emergency. We hope association members will take information on signing-up for alerts and share it with their colleagues and communities.

### MATERIALS TO BE SENT TO SUPPORT PRESENTATION:

- Begin by texting your zip code to 888777 for emergency alerts.

- Stay alert and informed, complete signing up for **AlertSCC** at [www.AlertSCC.org](http://www.AlertSCC.org)



- More information at: <https://www.sccgov.org/sites/alertscc/Pages/home.aspx>



**REQUEST TO PRESENT TO THE BOARD OF DIRECTORS**

Return to [executive\\_director@citiesassociation.org](mailto:executive_director@citiesassociation.org) at least 2 weeks prior to the Board Meeting for consideration.

**NAME OF ORGANIZATION:** COLLABORATING AGENCIES' DISASTER RELIEF EFFORTS (CADRE)

**Name of Contact Person:** Ivan Williams

**Phone:** 408-808-7835

**Email:** [ivan.williams@oes.sccgov.org](mailto:ivan.williams@oes.sccgov.org)

**Presenters:** Anna Swardenski 510-505-9556  
[arswardenski@gmail.com](mailto:arswardenski@gmail.com)

**REQUEST (WHAT WILL BE PRESENTED?):**

An Executive level briefing designed for elected officials as well as city managers and executives with key responsibilities in local government Emergency Operations Centers (EOCs). This briefing describes who and what the CADRE Network is along with how local governments can coordinate with CADRE and its non-profit agencies in a disaster.

**RELEVANCE TO THE CITIES ASSOCIATION:**

Local leaders will benefit from knowing more about CADRE and a lot of the work they do that is typically behind the scenes until a disaster happens and their organizations become front and center—during response but also in the recovery phase when they provide food sourcing and distribution, manage non-monetary donations, support individuals with access and functional needs and provide case management services.

**WHAT ACTION IS REQUESTED OF THE CITIES ASSOCIATION?**

Primarily awareness about CADRE and the support they provide cities, towns and the County of Santa Clara in a disaster or major emergency. Cities Association representatives are encouraged to share this information with their colleagues and others in their city government.

**MATERIALS TO BE SENT TO SUPPORT PRESENTATION:**

- Introductory CADRE Video at: <https://www.youtube.com/watch?v=Tbmq0WmByyE#action=share>
- Additional information at the CADRE website: <http://www.cadresv.org/>



**REQUEST TO PRESENT TO THE BOARD OF DIRECTORS**

Return to [executive\\_director@citiesassociation.org](mailto:executive_director@citiesassociation.org) at least 2 weeks prior to the Board Meeting for consideration.

**NAME OF ORGANIZATION:** SANTA CLARA COUNTY OFFICE OF EMERGENCY SERVICES  
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**Presenters:** Ivan Williams

**REQUEST (WHAT WILL BE PRESENTED?):**

**ReadySCC** –Santa Clara County’s mobile app that helps families create a disaster preparedness plan, build up emergency supplies and store vital emergency contacts and links to resources. **ReadySCC** is free to download from the App Store or Google Play. ReadySCC is paid for by the County of Santa Clara with grant funds provided by the Department of Homeland Security. We are currently working on the launch of a Spanish language version of the app.

**RELEVANCE TO THE CITIES ASSOCIATION:**

Every family and individual, but especially those in government, in Santa Clara County needs to be prepared for disasters—whether earthquake, fire, flood or otherwise. We’re interested in sharing this resource with the Cities Association so they can download themselves and also share with colleagues and the community.

**WHAT ACTION IS REQUESTED OF THE CITIES ASSOCIATION?**

Learn about disaster preparedness and take information about the resources provided back to share with colleagues and families in their communities.

**MATERIALS TO BE SENT TO SUPPORT PRESENTATION:**

- Copies of preparedness pocket guides
- Make a plan and get your kit together. Download **ReadySCC**.



- Find out more at:  
<https://www.sccgov.org/sites/oes/residents/Pages/ReadySCC.aspx>

# District Elections

A Presentation by:  
Chris Skinnell

*Nielsen Merksamer Parrinello Gross & Leoni, LLP*

for

**Santa Clara & San Mateo Counties/Cities**

**Joint Managers Meeting**

June 13, 2018

## Two Main Topics for Today

- What do you need to know if you currently do not election by-district?
- What do you need to know if you already do?

# Currently At-Large or “From-District”



# The California Voting Rights Act (CVRA)

- The CVRA prohibits at-large electoral systems that impair the right to vote of a protected class. It applies to:
  - At-large elections
  - “From-District” Elections
  - Combination Systems
  - Multi-member Areas?
  - Alternative Systems?

# Historical Background

- In the late 1990s and early 2000s, voting rights plaintiffs nationwide, but especially in California, were experiencing trouble bringing successful actions under Section 2 of the federal Voting Rights Act.
- Many of the most blatantly problematic voting structures had been remedied, and voting rights groups perceived the federal courts as less-than-entirely hospitable to their claims.

## Section 2 of the FVRA

- Section 2 applies nation-wide. It forbids any “qualification or prerequisite to voting or standard, practice, or procedure ... which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” or membership in a language minority group.

# Background of Section 2:

## *Thornburg v. Gingles*, 478 U.S. 30 (1986)

- A plaintiff must first establish the three *Gingles* threshold preconditions:
  - “First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. . . .
  - Second, the minority group must be able to show that it is politically cohesive. . . .
  - Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . to defeat the minority’s preferred candidate.”
 

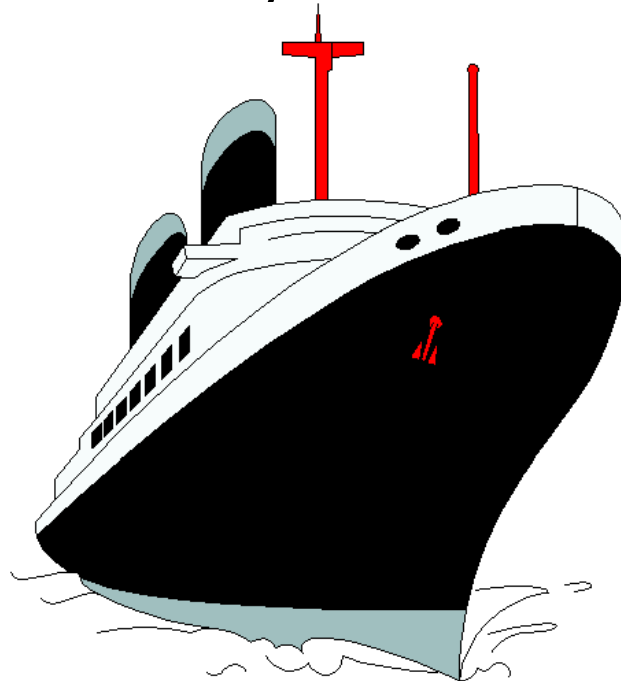
*Id.* at 50-51 (internal citations and footnote omitted).
- Many cases failed because plaintiffs could not establish the first precondition.

# Solution? The CVRA

- Enacted in 2002 (S.B. 976)
- Took effect January 1, 2003
- Elections Code §§ 14025 to 14032
- Eliminates 1<sup>st</sup> Precondition
- Totality of Circumstances Remain?
- As MALDEF (Mexican-American Legal Defense and Education Fund) put it, the “[b]ill makes it easier for California minorities to challenge ‘at-large’ elections.”

# The CVRA Safe Harbor “Single-member District” Elections

A City that elects by “single-member district”  
has no liability under the CVRA.



# What's Prohibited? Short Answer

- Good question. The language is very unclear. The Court of Appeal in *Sanchez v. City of Modesto* remanded the case to the superior court to determine the elements of a claim. The case settled before that happened.
- Interpretation has been hotly contested in subsequent cases.
- No Court of Appeal case law to clarify.

# What's Prohibited? Longer Answer

Plaintiffs at least need to show:

1. At-large election system
2. Voting patterns correlated with the race of the voter
3. Impairment of the ability of voters in the protected class to elect the candidate of their choice
4. The minority-preferred minority candidate (sometimes) loses.



# A New Theory for Plaintiffs: Influence Districts

- In *Bartlett v. Strickland*, 556 U.S. 1 (2009), the U.S. Supreme Court rejected a claim that failure to create an “influence” district could give rise to federal liability.
- The CVRA, however, seems to anticipate it.
- What constitutes a failure to provide adequate “influence”? Good question!
- ““Influence” cannot be clearly defined or statistically proved’ and admits of no limiting principle.” *Ariz. Minority Coalition for Fair Redistricting v. Ariz. Indep. Redistricting Comm’n*, 366 F. Supp. 2d 887, 906 (D. Ariz. 2005) (quoting *Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 379 (S.D.N.Y.) (three-judge court), *summarily aff’d*, 543 U.S. 997 (2004)).

# What Defenses Are Available?

- *Sanchez v. Modesto* seemed to indicate it's basically a federal action with compactness at the remedy stage. So possible defenses include:
  - No Racial Bloc Voting (Methodological Defects)
  - Numerosity Inadequate
  - Compactness
  - Minority-Preferred, Minority Candidates Elected
  - Minority-Preferred, Non-Minority Candidates Elected
  - Lack of Causation/ "Impairment"
  - Totality of the Circumstances
  - Lack of Remedy
  - As-Applied Constitutional Challenge

# Effects of the CVRA

- After the CVRA passed in 2001, activity was slight while a challenge to the law's constitutionality was decided.
- Even after it was upheld in *Sanchez v. City of Modesto*, 145 Cal. App. 4th 660 (2006), *rev. denied*, 2007 Cal. LEXIS 2772 (Mar. 21, 2007), *cert. denied*, 128 S. Ct. 438 (U.S. Oct. 15, 2007), still limited activity because late in the decade. A handful of cases, all of which settled.
- Following the 2010 Census, activity ramped up. Since that time hundreds of school districts, cities, special districts, community college districts, and one county have abandoned at-large voting—most voluntarily, some after being sued.
- *Jauregui v. City of Palmdale*, 226 Cal. App. 4th 781 (2013).
- *Kaku v. City of Santa Clara*, 17CV319862 (Santa Clara Co. Superior Ct.)

# Costs of CVRA Litigation

- Reasonable attorneys' fee awards to prevailing plaintiffs are *mandatory*, but if the jurisdiction fixes the problem and the case is dismissed as moot, under California Supreme Court case law, fees will only be awarded if plaintiffs gave a reasonable opportunity to "fix" the problem before filing suit.
- The City of Modesto is reported to have paid \$1.7 million to its attorneys and \$3.0 million to plaintiffs' attorneys. The case never even went to trial, though it did get litigated through the appeals courts up to the U.S. Supreme Court.
- City of Tulare reportedly paid \$250,000.
- Tulare Local Healthcare District paid \$500,000
- City of Escondido: reportedly \$585,000
- City of Palmdale: reportedly \$4.5 million through briefing on appeal, no argument
- City of Anaheim: \$1.2 million in settlement long before trial
- City of Whittier: ~ \$1 million, although City defeated motion for preliminary injunction, and case eventually dismissed as moot
- San Mateo County: \$650,000
- See "Voting Rights Cases in California & Settlement Costs," Antelope Valley Times (May 7, 2015), online at [http://theavtimes.com/wp-content/uploads/2015/05/Voting\\_Rights\\_Cases\\_Costs.pdf](http://theavtimes.com/wp-content/uploads/2015/05/Voting_Rights_Cases_Costs.pdf).

# Legislative Reform: AB 350

- Certain jurisdictions (City of Whittier, Cerritos Community College District) were sued by would-be plaintiffs, even after indicating their intention to move forward with district-based elections, because had they done so without litigation pending, no attorneys' fees would have been due.
- In response to lobbying by the League of California Cities and others, AB 350 adopted a requirement that would-be plaintiffs send a demand letter to a jurisdiction before filing suit, and provides jurisdictions with a grace period (up to 135 days) within which to adopt districts/trustee areas. If it does so, the plaintiffs' attorneys can demand reimbursement of their costs without filing suit, but costs and fees are capped at \$30,000.
- If the jurisdiction does not comply within the grace period, the plaintiffs can file suit and seek reimbursement of costs and fees without the \$30,000 cap.
- If the jurisdiction commences the process before receiving a demand letter, it is not on the hook for any costs and fees to would-be plaintiffs.

# Options

- Do nothing and wait for litigation to be filed, and then aggressively defend.
- Initiate change of electoral system to be implemented at next municipal election using AB 350 process
- Initiate change of electoral system to be implemented following next Census (in 2020).
  - Council districts must be readjusted following each Census.
  - No guarantee litigation will be avoided.

# Elements of Process for Changing Electoral System

- Retain demographic consultant
- Update city demographics
- Adopt districting criteria
- Get community input at multiple public hearings
- Draw maps/determine election sequencing for electoral districts
  - Note: terms of incumbents are not cut short
- Additional public hearings prior to adoption of districting ordinance
- Pass ordinance adopting districts

# Process: Sample Timeline

Activity	Timing
Formally Resolve to Single-member Districts; Adopt Criteria and Tentative Calendar; Related Steps including Extensive Public Outreach and Development of Website	TBD but within 45 days of receipt of demand letter
Two Public Hearings Before any Maps Are Drawn	No more than 30 days apart
Draft Maps and Election Rotation Published	At least 7 days prior to next round of public hearings
Two Additional Public Hearings to Receive Input	No more than 45 days apart
Final Public Hearing to Adopt Districting Ordinance	At least 7 days after any changes to map proposed for adoption, and within 90 days of initial resolution
Receive Demand Letter for \$30K From Attorney (if demand letter received)	Within 30 days of adoption of ordinance
Negotiate/ Pay Attorney (if demand letter received)	Within 45 days of demand
Implement Adopted Single-member Districts	Next Municipal Election



# Currently “By-District”

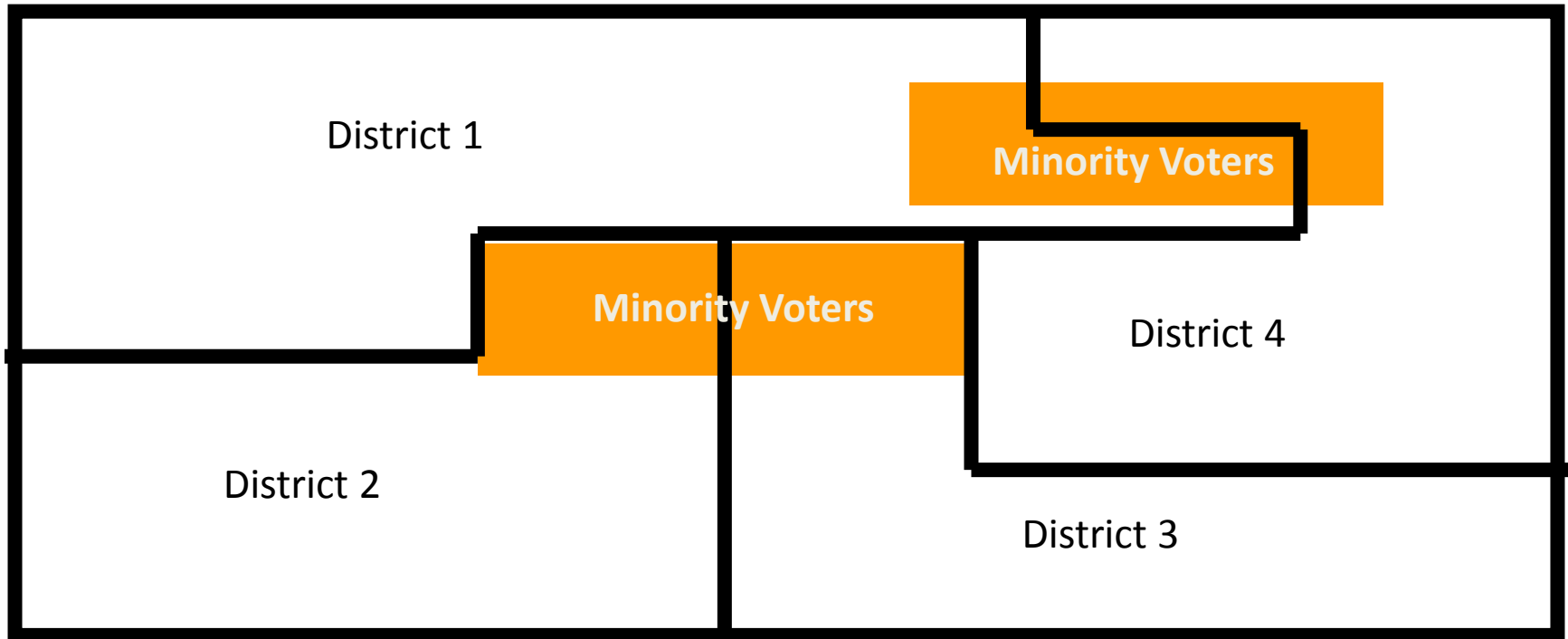
# Drawing the Lines—Legal Considerations: Population Equality

- Redistricting in 2021 (unless litigation threatened).
- Overriding criterion is total population equality (*see Reynolds v. Sims*, 377 U.S. 533 (1964); Elec. Code § 22000).
- Unlike congressional districts, local electoral districts do not require perfect equality—some deviation acceptable to serve valid governmental interests.
- Total deviation less than 10% presumptively constitutional. (Caution: the presumption *can* be overcome!)

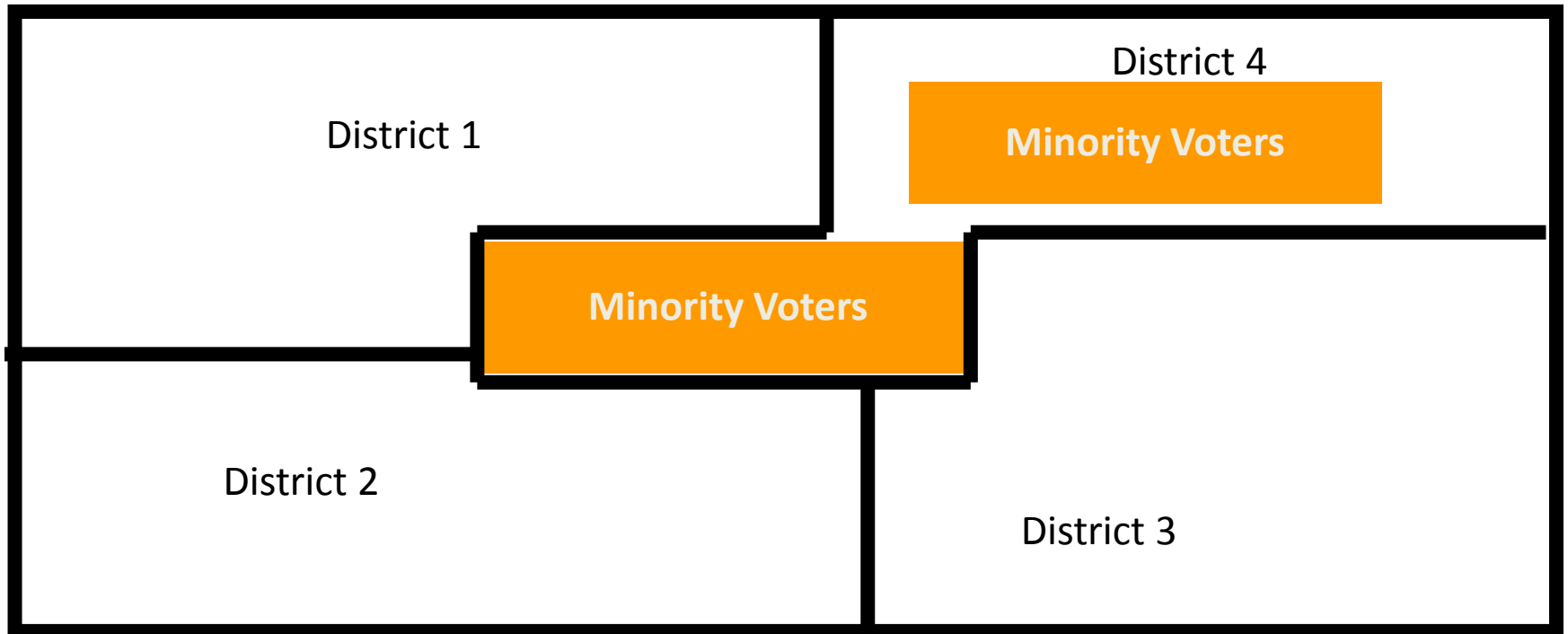
# Drawing the Lines—Legal Considerations: Federal VRA

- Section 2 of the federal Voting Rights Act prohibits electoral systems (including district plans), which dilute racial and language minority voting rights by denying them an equal opportunity to nominate and elect candidates of their choice.
- “Language minorities” are specifically defined in federal law: to mean persons of American Indian, Asian American, Alaskan Natives or Spanish heritage. CVRA expressly adopts the definition of “language minority.”
- Creation of minority districts required only if the minority group can form the majority in a single member district that otherwise complies with the law. *Bartlett v. Strickland*, 556 U.S. 1 (2009).
- California Voting Rights Act is silent with respect to the shape of electoral districts, so long as they are used.

# Voting Rights Act: Cracking



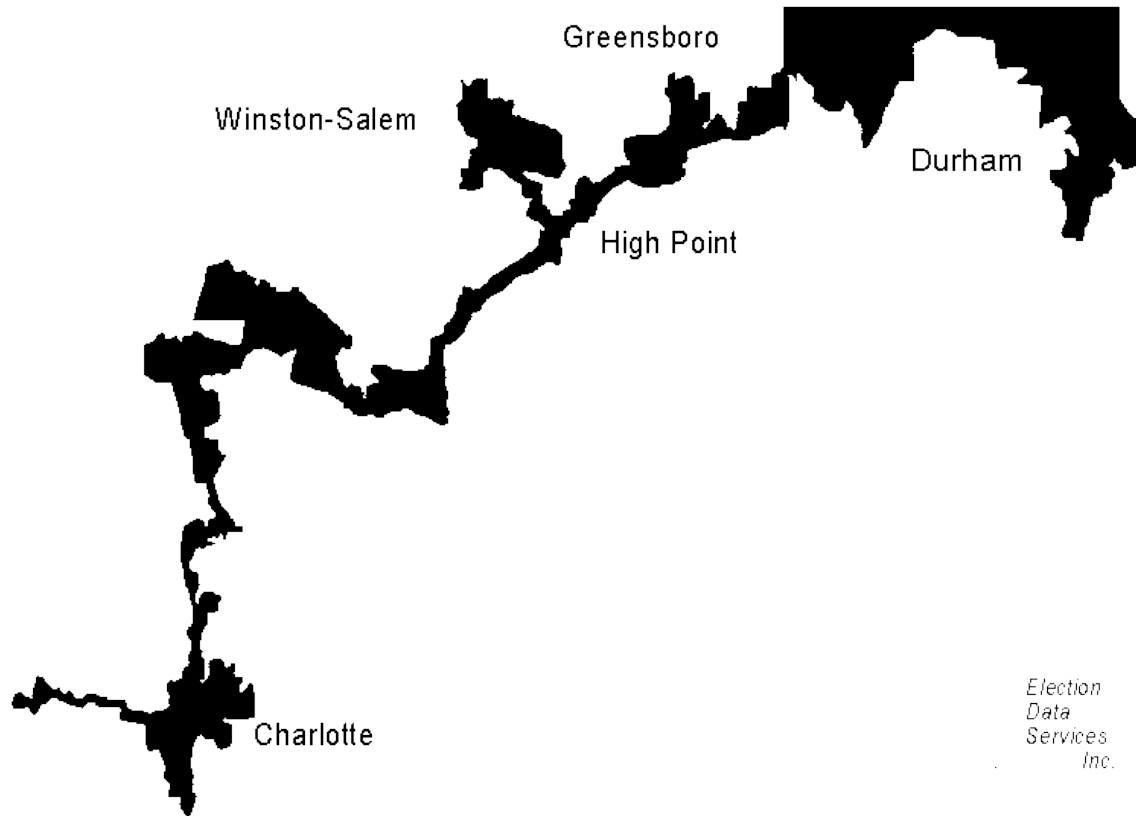
# Voting Rights Act: Packing



# Drawing the Lines—Legal Considerations: No Gerrymandering

- The Fourteenth Amendment restricts the use of race as the “predominant” criterion in drawing districts and the subordination of other considerations. *Shaw v. Reno*, 509 U.S. 630 (1993); *Miller v. Johnson*, 515 U.S. 900 (1995).
- Looks matter! Bizarrely shaped electoral districts can be evidence that racial considerations predominate. (See next slide, NC CD 12 stretched 160 miles across the central part of the State, for part of its length no wider than the freeway right-of-way.)
- But bizarre shape is not required for racial considerations to “predominate.”
- Fourteenth Amendment does not, however, prohibit all consideration of race in redistricting. *Easley v. Cromartie*, 532 U.S. 234 (2001).
- **Focus on communities of interest.**

# Drawing the Lines—Legal Considerations: No Gerrymandering



# Legal Considerations: Other Permissible Criteria

- Topography.
- Geography.
- Cohesiveness, contiguity, compactness and integrity of territory.
- Communities of interest.

*See Elec. Code § 22000.*



# Legal Considerations: Other Criteria Approved by Courts

- Preventing head-to-head contests between incumbents, to the extent reasonably possible.
- Respecting the boundaries of political subdivisions (*e.g.*, school attendance areas, city boundaries, etc.).
- Use of whole census geography (*e.g.*, census blocks).
- Other non-discriminatory, evenly applied criteria (*e.g.*, location of school facilities, planned development).
- Political considerations are inevitable.

# Questions?

# District Elections

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for

**Santa Clara & San Mateo Counties/Cities**

**Joint Managers Meeting**

June 13, 2018