



1 North San Antonio Road
Los Altos, California 94022-3087

MEMORANDUM

DATE: November 15, 2022

TO: The Honorable Beth McGowen, Presiding Judge, Santa Clara County Superior Court

FROM: Gabe Engeland, City Manager

SUBJECT: **RESPONSE TO THE 2022 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT “IF YOU ONLY READ THE BALLOT, YOU’RE BEING DUPED”**

Findings and Recommendations

Finding 1:

The Civil Grand Jury finds that in the current environment, which is unregulated at the local level, it is easy for the author of a ballot measure question to write the question in a way that is confusing or misleading to voters.

Response 1:

Respondent, City of Los Altos, disagrees with the finding that the writing of ballot measures at the local level is unregulated. All ballot measure questions for respondent are approved by the elected City Council of the City of Los Altos and subject to State Law.

Respondent notes that the Civil Grand Jury relies heavily on one ballot measure submitted by the Santa Clara Valley Water District as the basis for its findings and recommendations, opining that “with the passage of Measure A, many residents lost confidence in the Water District.” The Civil Grand Jury also sites other measures none of which were submitted by the respondent. Because of this, the Civil Grand Jury wishes to impose unnecessary restrictions on local agencies and provide the County of Santa Clara with unprecedented oversight over other government agencies.

Recommendation 1b:

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

Response 1b:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. Under California State Law, the County of Santa Clara and the City of Los Altos are separate municipalities or governmental entities. As stated by the Civil Grand Jury, “one governmental entity cannot regulate another.” Further, the County Counsel for the County of Santa Clara is an official appointed by the Board of Supervisors and has no responsibility to the residents of the City of Los Altos. Finally, the City engages the services of a qualified City Attorney to provide the same review as is being proposed in Recommendation 1b.

Recommendation 1c:

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

Response 1c:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. As previously stated, the County Counsel has no responsibility to the residents of the City of Los Altos and the City Attorney preforms the same function as is being proposed to be given to County Counsel.

Recommendation 1e:

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

Response 1e:

Respondent, City of Los Altos, finds the recommendation is not warranted and therefore it will not be implemented by the City. As has been identified, the County of Santa Clara does not have the authority to regulate another agency.

Further, as the Civil Grand Jury states, “adoption of a Good Governance Commission that has the power to reject language would require passage of a state law that would enable the County of Santa Clara to have an express grant of powers to impose a requirement on other entities.” This would represent a dangerous precedent which would require the State to take authority from the City and provide the County with authority to control the actions of the City.