



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive and Consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; provide direction, if any, or take action
Category:	Leadership and Support Services
Meeting Date:	1/7/2020
Staff Contact:	Steven McHarris, Interim City Manager, 408-586-3059 Chris Diaz, City Attorney, 408-586-3040
Recommendations:	<ol style="list-style-type: none"> 1. Receive and consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; and 2. Provide any new or alternative direction to staff, or the Council may choose to take action.

Background:

On November 19, 2019, per the Mayor’s request, the City Council agreed to place an item related to the consideration of an election of a new Vice Mayor on the December 3, 2019 Council agenda. If desired, the City Council could have voted to elect a new Vice Mayor to serve for the year 2020.

After receiving public testimony and discussing the item, Council directed staff to return on January 21, 2020 with an actionable report including the following information:

1. Historical information and legal analysis about the Vice Mayor and Mayor roles in the City of Milpitas, including the possibility of having an appointed rotating Mayor
2. Research about other cities’ definitions of the Mayor and Vice Mayor roles
3. Community poll about Mayor and Vice Mayor terms

The Vice Mayor also requested research on whether there could be a primary election for the office of Mayor and if so, a question about this was to be included in the poll. Subsequent to this discussion, the City Attorney confirmed that as a general law city, a primary election for the Mayor was not possible and thus, this question was not included in the poll.

Analysis:

On December 17, 2019, staff sent draft polling questions to the City Council. The link to the survey was made available only on the City’s NextDoor account, in an attempt to solely reach Milpitas residents; however, since not all residents are registered, the link could be shared outside of the platform.

Based on Council input, four questions were posted through NextDoor on December 19, 2019. The questions and their responses as of January 3, 2020, are described below; to date 112 people have viewed the survey and 84 people have provided responses.

1. **Are you a Milpitas resident?**
91.7% are residents; 1.2% do not live in Milpitas; 7.1% responded under “Other” category.
2. **Should the City change from a directly elected Mayor to a Mayor appointed by the City Council?**
7.1 percent said Mayor should be appointed by City Council; 92.9% were in favor of a directly elected Mayor
3. **Should the Vice Mayor be appointed annually or every two years (pick one)**

25% supported a 1-year Vice Mayor appointment; 67.9% supported a 2-year Vice Mayor appointment;
7.1% responded under “Other” category

4. Is there any other feedback that you like to provide the City Council?

Detailed responses included in Attachment

The legal analysis document related to the establishment and powers of an elective Mayor is also included in the agenda packet.

Based on prior Council direction from December 3, staff is currently working on additional information related to the Mayor and Vice Mayor roles and will bring back a full report to Council on January 21, 2020.

The reason for this update is to provide the Council with an opportunity to review the legal analysis and interim polling results so the Council can provide staff with any additional direction if desired.

Fiscal Impact:

Not applicable

California Environmental Quality Act:

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendations:

1. Receive and consider an interim update from staff on polling and research related to Mayor and Vice Mayor roles; and
2. Provide any new or alternative direction to staff, or the Council may choose to take action.

Attachments:

Summary of polling responses – January 3, 2020

Legal analysis on establishment and powers of an elective Mayor