



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to Remove Ranked Choice Voting Provisions and add Tie-breaker Language; and Approve Amendments to Council Policy 7.3.15 (Appointment of Interim Councilmembers) to Remove Ranked Choice Voting Provisions

BACKGROUND

On November 6, 2018, City of Sunnyvale voters approved an amendment to Sunnyvale Charter Section 606 which addresses vacancies in City Council seats and allows the City Council to fill certain vacancies by appointment until the next general election or special municipal election consolidated with a statewide election. Section 606(e) requires the City Council to adopt an ordinance establishing a public process for appointment. On April 23, 2019, the City Council adopted Ordinance No. 3144-19, adding Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to the Sunnyvale Municipal Code (SMC). SMC Section 2.30.030(f) provides for individual candidate votes when Council considers four or fewer candidates for appointment and a ranked choice voting process when Council considers five or more candidates for appointment.

The ranked choice voting provisions in SMC Section 2.30.030(f) are consistent with Council Policy 7.3.15 (Appointment of Interim Councilmembers), which was originally adopted by the City Council on August 31, 2010, to address appointing an interim Councilmember to serve on a temporary basis when a Councilmember is called to active military service. If the Council opts to change the voting provisions in SMC Chapter 2.30, it may wish to align the voting provisions in Council Policy 7.3.15 for consistency.

EXISTING POLICY

Sunnyvale Charter Section 606 - Vacancies

Sunnyvale Municipal Code Chapter 2.30 - Appointment Process to Fill Vacancies on the City Council
Council Policy 7.3.15 Appointment of Interim Councilmembers

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

In November 2021, Mason Fong resigned from City Council At-Large Seat No. 3. The City Council followed the provisions of Sunnyvale Charter Section 606 (Vacancies) and SMC Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to choose an

appointment process, conduct a recruitment, hold public interviews of eligible candidates, and appoint Tony Spitaleri to fill the vacancy. At various times throughout this process, several Councilmembers expressed that they wished there were alternatives to the ranked choice voting provisions required by SMC Section 2.30.030(f).

During the February 8, 2022, Council meeting, the Mayor stated he would work with the City Manager to schedule an agenda item for a future Council meeting to discuss removing these provisions. This report provides the City Council an opportunity to discuss, remove or update the ranked choice voting provisions contained in SMC Chapter 2.30. Alternative 1 would introduce an Ordinance (Attachment 1) that would remove these provisions and add tie-breaker provisions consistent with existing Council Policy 7.2.19 (Boards and Commissions) and Council Policy 7.3.15 (Appointment of Interim Councilmembers). The Ordinance would also make non-substantive administrative corrections to the Charter section references contained in SMC Chapter 2.30. Alternative 2 would introduce the same Ordinance with modifications identified by Council.

This report also provides Council with an opportunity to discuss, remove or update the ranked choice provisions in Council Policy 7.3.15 (Appointment of Interim Councilmembers) in the interest of aligning voting provisions for all types of appointments. Alternative 3 would remove the ranked choice voting provisions and make other non-substantive changes to the Application/Questionnaire for Candidates for Appointment as Interim Council Member attached to Council Policy 7.3.15 (Attachment 2). Alternative 4 would remove the ranked choice voting provisions and make the non-substantive changes with modifications identified by Council.

FISCAL IMPACT

The proposed changes to SMC Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) and Council Policy 7.3.15 (Appointment of Interim Councilmembers) do not have a fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and report are available at Office of the City Clerk, and on the City's website.

ALTERNATIVES

1. Introduce an Ordinance (Attachment 1 to the report) amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to remove ranked choice voting provisions and add tie-breaker language.
2. Introduce an Ordinance (Attachment 1 to the report) amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to remove ranked choice voting Provisions and add additional tie-breaker language with modifications.
3. Approve amendments to Council Policy 7.3.15 (Appointment of Interim Councilmembers) to remove ranked choice voting provisions (Attachment 2 to the report).
4. Approve amendments to Council Policy 7.3.15 (Appointment of Interim Councilmembers) to remove ranked choice voting provisions with modifications.
5. Other direction as provided by Council.

STAFF RECOMMENDATION

Staff makes no recommendation. This report is being presented to City Council to facilitate

discussion at the public hearing and for Council to consider various options that relate to the proposed changes to the Sunnyvale Municipal Code Chapter 2.30 and Council Policy 7.3.15.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft Ordinance amending Sunnyvale Municipal Code Chapter 2.30 (Appointment Process to Fill Vacancies on the City Council) to remove Ranked Choice Voting Provisions and add additional Tie-breaker Language.
2. Council Policy 7.3.15 (Appointment of Interim Councilmembers)-Draft Updates-Redlines
3. Council Policy 7.3.15 (Appointment of Interim Councilmembers)-Draft Updates-Clean