

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SUNNYVALE ON TUESDAY, NOVEMBER 3, 2026, FOR THE PURPOSE OF SUBMITTING TO CITY VOTERS A MEASURE AMENDING CITY CHARTER SECTION 1309 RELATING TO PROCUREMENT METHODS FOR PUBLIC WORKS CONTRACTS; REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION AND ELECTION SERVICES FROM SANTA CLARA COUNTY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND SETTING PRIORITIES FOR BALLOT ARGUMENTS**

WHEREAS, the City of Sunnyvale (the “City”) is a municipal corporation and charter city duly organized and existing under the Constitution and laws of the State of California; and

WHEREAS, on November 28, 2023, the City Council considered a colleagues’ memorandum recommending creation of a Charter Review Committee (“CRC”) to review nine specific potential amendments to the Charter of the City of Sunnyvale (“Charter”), and authority to propose additional amendments; and

WHEREAS, on June 4, 2024, the City Council voted to form a CRC, and, following a recruitment and interview process, appointed members to the CRC on December 3, 2024; and

WHEREAS, on June 3, 2025, the City Council held a joint meeting with the CRC to review the CRC’s list of potential amendments to the City Charter, and directed the CRC to study potential amendments to Charter Section 605 (increasing City Council compensation); Charter Section 606 (revising the process for filling City Council vacancies); Charter Section 611 (revising requirements for scheduling City Council regular meetings); Charter Article 8 (increasing City Manager settlement authority limits for claims); and City Charter Section 1309 (allowing alternative project delivery methods for public works contracts); and

WHEREAS, the CRC held sixteen public meetings between February and December 2025, and prepared and approved a final report on December 4, 2025; and

WHEREAS, the City Council reviewed and accepted the CRC’s final report on February 3, 2026, released the CRC, and directed staff to conduct polling on the CRC’s four recommended amendments; and

WHEREAS, on May 19, 2026, the City Council received the polling results and directed staff to return to Council with all materials necessary to place three measures to amend the Charter – (1) public works contracting, (2) City Manager settlement authority, and (3) filling City Council vacancies – on the November 3, 2026, General Election Ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. ELECTION ORDERED; BALLOT MEASURE. Pursuant to its right, power and authority under the California Constitution and the laws of the State of California, the City Council on its own motion hereby orders submitted to the voters at an election to be held in the City on November 3, 2026, a ballot measure designated by letter by the Santa Clara County (the "County") Registrar of Voters to appear on the ballot in substantially the following form:

<b>CITY OF SUNNYVALE MEASURE __</b>	
Shall Section 1309 of the City Charter be amended to allow the City Council to adopt an ordinance giving the City more options for delivery of public works construction projects by authorizing use of any purchasing or contracting method allowed by California law to select contractors for such projects, and to make clarifying changes to the wording of Section 1309 that do not alter the meaning of the section?	YES
	NO

2. ADOPTION OF MEASURE. In the event a majority of the electors voting on the measure set forth above vote in favor thereof, Section 1309 of the Charter of the City of Sunnyvale shall be amended to read as set forth in Exhibit "A," attached hereto and incorporated herein, effective upon the date of filing.

3. NOTICE OF ELECTION. Notice of the time and place of holding the election is given, and the City Clerk hereby is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

4. CONSOLIDATION REQUEST. Pursuant to the requirements of Part 3 of Division 10 of the California Elections Code (Consolidation of Elections; §§ 10400 et seq.), the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

5. REQUEST FOR COUNTY SERVICES. Pursuant to Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of Sunnyvale's General Municipal Election to be held on Tuesday, November 3, 2026. Services shall be of the type

normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, those certain services set forth in Section 4 hereof.

6. ELECTION COSTS. Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of the election. The City Director of Finance is authorized and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

7. BALLOT AND REBUTTAL ARGUMENTS FOR MEASURE. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code Section 9282, et seq.

8. BALLOT ARGUMENT [IN FAVOR OF] OR [AGAINST] MEASURE. The Council hereby selects the following course of action regarding arguments [in favor] or [against] the measure: *[Council to select one of the following concurrent with adoption of resolution]:*

- a. Authorizes the City Council as a body to submit a written argument [in favor] or [against] the measure, and in the event an argument is filed for the measure, a rebuttal argument.
- b. Authorizes   [#]   member(s) of the City Council to submit a written argument [in favor] or [against] the measure:   [one or more name(s)]  . At   [Name(s)]   discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure,   [Name(s)]   is also authorized to submit a rebuttal argument on behalf of the City Council, which, at   [Name(s)]   discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

OR

- c. Takes no action with regard to authorizing the Council, or member or members of the Council to submit a written argument [in favor] or [against] the measure; in which case the City Clerk shall select an argument against the measure in accordance with the priority order set forth in Elections Code Section 9287.

9. IMPARTIAL ANALYSIS. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the

existing law and operation of the measure. The impartial analysis shall comply in all respects with the applicable provisions of Elections Code Section 9280.

10. DEADLINES FOR ARGUMENTS. The deadlines for arguments, rebuttals and impartial analysis are:

- a. Primary and Rebuttal Argument Deadlines. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code Section 9282, et seq. **August 11, 2026, at 5:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against this measure on the ballot.** If more than one argument for and/or against is received, the City Clerk shall give priority to the direction from the Council set forth in Section 9 of this resolution, or if none, the priorities established by Elections Code Section 9287 shall control. **The deadline for filing rebuttal arguments shall be August 18, 2026, at 5:00 p.m.**
- b. Impartial Analysis Deadline. The impartial analysis for the measure may be filed consistent with Elections Code Section 9282, et seq. **August 18, 2026, at 5:00 p.m. shall be the deadline for submission of the impartial analysis.**
- c. Public Review Period. Pursuant to Section 9295 of the Elections Code, there shall be a 10-day public review period for the impartial analysis, arguments submitted for or against the measure, and rebuttal arguments. These time periods are established as follows: (a) with respect to arguments submitted for or against the measure, commencing on August 12, 2026, and closing on August 21, 2026, and (b) with respect to the impartial analysis and rebuttal arguments, commencing on August 19, 2026, and closing on August 28, 2026.
- d. Printing of Arguments and Rebuttals. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

11. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Registrar of Voters.

12. PUBLICATIONS. The City Clerk is directed to give notice of the election and synopsis of the City's general obligation bond measure in the time, form, and manner as required by law.

13. MISCELLANEOUS. In all particulars not cited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections. This resolution shall apply only to the election to be held on Tuesday, November 3, 2026.

14. OTHER ACTIONS. Each of the City Manager, the Director of Finance and the City Clerk are hereby authorized and directed to work with the appropriate officials of the County to carry out the purposes and intent of this Resolution, including preparing, signing, filing and/or revising any applicable documents, agreements, or other materials, and making requests related to ballot letters and order.

15. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

16. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, that this resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15320, 15378, and 15061(b)(3) because it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

17. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

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Adopted by the City Council at a regular meeting held on June \_\_\_\_, 2026, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
DAVID CARNAHAN  
City Clerk  
(SEAL)

\_\_\_\_\_  
LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
REBECCA L. MOON  
City Attorney

**EXHIBIT A (RESOLUTION \_\_\_)**

**\*\*Full Text Starts Here\*\***

**Proposed Charter Amendments  
(Contracts on Public Works)**

(Additions shown in underline, deletions in ~~strikeout~~)

The citizens of the City of Sunnyvale do hereby enact the following amendments to the City Charter:

Section 1. Section 1309 of the City Charter (Contracts on Public Works) is hereby amended to read as follows:

**§ 1309. Contracts on Public Works.**

(a) Unless an alternative project delivery method is authorized as provided in this section, ~~a~~ Every project involving an expenditure of more than an amount to be determined from time to time by ordinance of the City Council, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest responsive and responsible bidder after notice of publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after adoption of a resolution to this effect by at least four affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. ~~Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.~~ The City Council may make urgency findings and authorize by at least four affirmative votes the letting without advertising for bids of contracts that are urgently necessary for the preservation of life, health, or property.

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(b) No advertising for bids or awarding of a contract based ~~thereon shall be~~ on bids is required when the improvement or work is to be furnished or performed by a public utility subject to the jurisdiction of the California Public Utilities Commission.

(c) The use of best value alternative project delivery methods including, but not limited to, progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate contracts is authorized for all public works projects. The City Council shall establish, by ordinance, regulations for the award, use, evaluation, and approval of these contracts.

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