

RESOLUTION NO. 1234-24

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 5, 2024, FOR THE PURPOSE OF SUBMITTING TO CITY VOTERS AN ORDINANCE CONCERNING AMENDMENTS TO THE CITY CHARTER; 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 Council desires to submit to the voters a measure amending various administrative provisions in the Sunnyvale Charter, including (1) eliminating the voter registration/citizenship requirements for all City boards and commissions to remove barriers to volunteering; (2) revising the regular meeting requirements to provide for at least 24 meetings per year rather than 2 per month to provide greater scheduling flexibility; and (3) replacing gendered references throughout the charter with gender-neutral language; and

WHEREAS, whenever two or more elections of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be either completely or partially consolidated pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, and Section 5342 of the Education Code; and

WHEREAS, Elections Code Section 10002 empowers the City Council to request the assistance of the County Registrar of Voters to provide election services to the City and the City Council intends to call a General Municipal Election on November 5, 2024, and for the consolidation of that election.

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

1. GENERAL ELECTION. A General Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 5, 2024, for the purpose of submitting to the voters of the City the below-designated measure.

2. **MEASURE.** The City Council hereby submits to the voters of the City, at the General Municipal Election called for November 5, 2024, the following measure:

CITY OF SUNNYVALE MEASURE	
Shall the Sunnyvale City Charter be amended to (1) eliminate the voter registration/citizenship requirement for members of all boards and commissions to remove barriers to volunteering; (2) change the required City Council meeting frequency from 2 meetings per month to at least 24 meetings per year, with no more than 6 weeks between meetings, to provide more scheduling flexibility; and (3) replace gendered references throughout the charter with gender-neutral language?	YES
	NO

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

4. **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.

5. **CONSOLIDATION REQUEST.** Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, 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 and vote centers opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by anybody or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

6. **REQUEST FOR COUNTY SERVICES.** Pursuant to Section 10002 of the California Elections Code, 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 Special Municipal Election to be held on Tuesday, November 5, 2024. 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 Sections 4 and 5 hereof, assignment of a ballot measure letter, printing the full text of the measure as set forth in Exhibit A in the County's Voter Information Guide (CVIG), and other matters as may be necessary for the City Clerk to coordinate under the authority provided in Section 4 of this Resolution.

7. 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.

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

9. BALLOT ARGUMENT IN FAVOR OF AND AGAINST MEASURE. The Council hereby selects the following course of action regarding arguments in favor of and against the measure:

- a. Authorizes two member(s) of the City Council to submit a written argument in favor of the measure: Mayor Klein and Councilmember Mehlinger. At Mayor Klein and Councilmember Mehlinger'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 against the measure, Mayor Klein and Councilmember Mehlinger are also authorized to submit a rebuttal argument on behalf of the City Council, which, at Mayor Klein and Councilmember Mehlinger's discretion, 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. Signatures on the rebuttal argument may be different from those who signed the primary argument.
- b. Takes no action with regard to authorizing the Council, or member or members of the Council to submit a written argument 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.

10. IMPARTIAL ANALYSIS. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure.

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

- a. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code Section 9282, *et seq.* **August 13, 2024 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 20, 2024 at 5:00 p.m.**

b. The impartial analysis for the measure may be filed consistent with Elections Code Section 9282, et seq. **August 20, 2024 at 5:00 p.m. shall be the deadline for submission of the impartial analysis.**

12. 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 5, 2024.

13. 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.

Adopted by the City Council at a regular meeting held on May 7, 2024, by the following vote:

AYES: KLEIN, SRINIVASAN, CISNEROS, DIN, MEHLINGER, SELL
NOES: NONE
ABSTAIN: MELTON
ABSENT: NONE
RECUSAL: NONE

ATTEST:

DocuSigned by:

663E57B921394E1...

DAVID CARNAHAN
City Clerk
(SEAL)

APPROVED:

DocuSigned by:

36C5F28A37A9448...

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

DocuSigned by:

4004B8486114497...

REBECCA L. MOON
Interim City Attorney

EXHIBIT A
Proposed Charter Amendments
(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 603 (Qualifications) of the City Charter shall be amended to read as follows:

603 Qualifications.

- (a) No person shall be eligible to hold office as the Mayor unless he/she~~that person is~~ ~~shall be~~ a registered voter of the City at the time of and for the thirty-day period immediately preceding filing of his or her~~their~~ nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her~~that person's~~ appointment to such office, and throughout the full term of his or her~~their~~ office, if elected or appointed.
- (b) No person shall be eligible to hold office as a member of the City Council unless he/she shall be~~that person is~~ a registered voter of the District at the time of and for the thirty-day period immediately preceding filing of his or her~~their~~ nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her~~that person's~~ appointment to such office, and throughout the full term of his or her~~their~~ office, if elected or appointed.
- (c) Notwithstanding any other provision of law, a candidate shall not file nomination papers for more than one City elective office for the same election.

Section 2. Section 605 (Compensation) of the City Charter shall be amended to read as follows:

605 Compensation.

In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, commencing January 1, 2012, each member of the City Council shall receive as salary \$2,088.64 per month, and the Mayor shall receive as salary \$2,784.86 per month.

In order to provide a cost of living adjustment, commencing on January 1, 2013, and annually on January 1 thereafter, the compensation of the Council and Mayor shall increase by a percentage equal to the percentage increase in the preceding October's twelve-month rolling average of the Consumer Price Index-Urban (CPI-U), or successor index, for San Francisco-Oakland-San Jose, as determined by the United States Department of Labor, Bureau of Consumers. In no event shall the CPIU compensation adjustment exceed five percent per year, or result in a compensation decrease. The CPI-U base index year shall be calendar year 2012.

If a member of the City Council does not attend all meetings of the City Council called on order of the City Council and held during the month, his/her~~the member's~~ salary for such month shall be reduced by the sum equivalent to twenty percent of the month's salary for each meeting not attended unless he/she~~the member~~ is absent on official duty

with the consent of or on order of the City Council or is granted an excused absence by the City Council, or unless he/shethe member is on personal leave. A member of the City Council shall be permitted four personal leave days per calendar year.

Section 3. Section 607 (Presiding Officer. Mayor.) of the City Charter shall be amended to read as follows:

607 Presiding Officer. Mayor.

The Mayor shall be the presiding officer of the City Council and have a voice and vote in all its proceedings. He/sheThe Mayor shall be the official head of the City for all ceremonial purposes. He/sheThe Mayor shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/herthe mayoral office.

Section 4. Section 608 (Vice Mayor) of the City Charter shall be amended to read as follows:

608 Vice Mayor.

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and the first regular meeting in January in odd-numbered years, the City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/herthe Mayor's absence or disability.

Section 5. Section 611 (Regular Meetings) of the City Charter shall be amended to read as follows:

611 Regular Meetings.

The City Council shall hold at least twenty four regular meetings at least twice each monthper year, with no more than six weeks between regular meetings. The City Council shall hold meetings –at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Section 6. Section 800 (Appointment) of the City Charter shall be amended to read as follows:

800 Appointment.

The City Manager shall be chosen by the City Council on the basis of his/hertheir executive and administrative qualifications, and need not be a resident of the City or State at the time of his/her appointment, but he/she shall be strongly encouraged to reside within the City during his/hertheir tenure of office. No City Councilmember shall receive such an appointment during the term for which he/shethey shall have been elected, nor within two years thereafter.

Section 7. Section 605 (Compensation) of the City Charter shall be amended to read as follows:

801 Compensation.

The City Manager shall be paid a salary commensurate with his/her responsibilities as of chief administrative officer of the City, which salary shall be established by ordinance or resolution.

Section 8. Section 802 (Powers and Duties) of the City Charter shall be amended to read as follows:

802 Powers and Duties.

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He/sheThe City Manager shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/sheand shall have power and shall be required to:

- (1) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/shethe City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- (2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable to the City Manager;
- (5) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City;
- (6) Submit to the City Council, at each meeting for its approval, the list of all claims and bills approved for payment by him/herthe City Manager; and
- (7) Perform such other duties as may be prescribed by this Charter or required of him/herthe City Manager by the City Council, not inconsistent with this Charter.

Section 9. Section 803 (Rules and Regulations) of the City Charter shall be amended to read as follows:

803 Rules and Regulations.

The City Manager may prescribe such general rules and regulations as he/shethey may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his/hertheir jurisdiction.

Section 10. Section 806 (Removal of the City Manager) of the City Charter shall be amended to read as follows:

806 Removal of the City Manager.

The City Council shall appoint the City Manager for an indefinite term and may remove ~~him/her~~ the City Manager, with or without cause, by a majority vote of its members.

Section 11. Section 807 (Prohibition Against Councilmanic Interference) of the City Charter shall be amended to read as follows:

807 Prohibition Against Councilmanic Interference.

Neither the City Council nor any of its members shall order or request directly or indirectly the appointment of any person to an office or employment or ~~his/her~~ a person's removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. The City Council and its members shall deal with officers and employees in the administrative service under the jurisdiction of the City Manager solely through the City Manager except:

- (1) For a specific question from a member of the Council concerning a matter either pending before the Council or which the member intends to present to the Council, and which can be answered by furnishing routine information immediately available from the records of the officer or employee to whom it is directed, and which does not require the officer or employee either to discuss or express any opinion concerning any existing or proposed policy of the Council or the City Manager; or
- (2) In connection with an investigation into the affairs of the City or the conduct of any City department or office which the City Council by the affirmative vote of at least four of its members has undertaken.

In order to conduct such an investigation, the Council may do any of the following:

- (a) Instruct or grant permission to any one or more of its members to discuss with an officer or employee any matters which the member or members to whom permission is granted or who are so instructed believe to be pertinent or relevant to the subject of the investigation;
- (b) Subpoena witnesses;
- (c) Administer oaths;
- (d) Take testimony; or
- (e) Require the production of evidence.

Any City Councilmember violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of willful misconduct in office and shall be removed from office pursuant to procedures set forth under general law.

Section 12. Section 902 (Appointive Officers. Duties) of the City Charter shall be amended to read as follows:

902 Appointive Officers. Duties.

Each appointive officer shall perform the duties imposed upon him/her by this Charter, by ordinance, or resolution and, if under the jurisdiction of the City Manager shall perform such other duties relating to his/her~~the appointive~~ office as may be required ~~of~~ ~~him/her~~ by the City Manager.

Section 13. Section 908 (City Attorney) of the City Charter shall be amended to read as follows:

908 City Attorney.

There shall be a City Attorney appointed by the City Council. The City Attorney shall serve at the pleasure of the City Council and may be removed, with or without cause, by motion of the City Council adopted by at least four affirmative votes. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least seven years prior to ~~his/her~~ appointment. The City Attorney shall have power and be required to:

- a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party. Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or proceeding brought against ~~him/her~~that officer or employee, in his/her~~their~~ official or individual capacity, or both, on account of an act or omission in the scope of ~~his/her~~their employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to do so. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his/her~~their~~ opinion, ~~his/her~~ providing such defense would conflict with ~~his/her~~the City Attorney's other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose;
- (c) Attend meetings of the City Council and give ~~his/her~~ advice or opinions in writing or appropriate electronic format whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his/her approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;
- (f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;
- (g) On vacating the office, surrender to ~~his/her~~the successor all books, papers, files and documents pertaining to the City's affairs; and

(h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council, or imposed by law.

The City Attorney shall have control of all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical and expert services to assist with or to take charge of any litigation or matter. No City employee may retain or contract with outside legal counsel for City business without the prior approval and supervision of the City Attorney.

Section 14. Section 909 (Official Bonds) of the City Charter shall be amended to read as follows:

909 Official Bonds.

The City Council shall fix by ordinance the nature, amounts and terms of the official bonds of all officers or employees who are required by ordinance to give such bonds. Provided, however, that all officers and employees having custody or control of public funds shall be required to be bonded.

All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the officer designated by ordinance. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as separate bonds which may be required would provide.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond there shall be no personal liability upon, or any right to recover against his/hertheir superior officer or other officer or employee, or on the bond of the latter, for any wrongful act or omission of the former, unless such superior officer, or other officer or employee was a party to, or conspired in, such wrongful act or omission.

Section 15. Section 910 (Oath of Office) of the City Charter shall be amended to read as follows:

910 Oath of Office.

Each member of the City Council, of every board and commission and each officer and department head, before entering upon the discharge of the duties of his/hertheir office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability."

Section 16. Section 1005 (Compensation. Vacancies.) of the City Charter shall be amended to read as follows:

1005 Compensation. Vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a

vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents ~~himself/herself~~themselves from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, ~~his/her~~the office shall become vacant and shall be so declared by the City Council.

Section 17. Section 1007 (Personnel Board) of the City Charter shall be amended to read as follows:

1007 Personnel Board.

There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee.

The members of the Personnel Board shall be selected and appointed in the following manner: three of the members shall be appointed by the City Council directly; two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the Classified Service. If the employees in the Classified Service do not nominate one or more persons to fill a vacancy for the employee-nominated seats within six months of written notification, the City Council may appoint the person directly to fill the vacancy.

The successor of any member of the Board shall be appointed in the same manner as such member was appointed.

All persons appointed ~~shall be registered voters of the City and~~ shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Board shall ~~cease to be an elector of the City or~~
~~shall~~ cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council.

Section 18. Section 1009 (Planning Commission) of the City Charter shall be amended to read as follows:

1009 Planning Commission.

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager, or ~~his/her~~the City Manager's designated representative, shall serve as an ex officio member of the commission.

All persons appointed ~~shall be registered voters of the City and~~ shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the commission ~~shall cease to be an elector of the City or~~
~~shall~~ cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 19. Section 1011 (Parks and Recreation Commission) of the City Charter shall be amended to read as follows:

1011 Parks and Recreation Commission.

There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

All persons appointed ~~shall be registered voters of the City and~~ shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission ~~shall cease to be an elector of the City or~~ shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 20. Section 1013 (Board of Library Trustees) of the City Charter shall be amended to read as follows:

1013 Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government.

All persons appointed ~~shall be registered voters of the City and~~ shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall ~~cease to be an elector of the City or~~ ~~shall~~ cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council.

Section 21. Section 1015 (Heritage Preservation Commission) of the City Charter shall be amended to read as follows:

1015 Heritage Preservation Commission.

There shall be a Heritage Preservation Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

All persons appointed ~~shall be registered voters of the City and~~ shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission ~~shall cease to be an elector of the City or~~ shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 22. Section 1107 (Prohibitions) of the City Charter shall be amended to read as follows:

1107 Prohibitions.

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who ~~by himself/herself alone~~ or with others willfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and the penalty therefor shall be the same as established for misdemeanors under general law. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City Service and shall, if ~~he/she is~~ an officer or employee of the City, immediately forfeit ~~his/her~~ the office or position.

Section 23. Section 1301 (Annual Budget. Preparation by the City Manager.) of the City Charter shall be amended to read as follows:

1301 Annual Budget. Preparation by the City Manager.

At such date as ~~he/she~~ the City Manager shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditures for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as ~~he/she~~ the City Manager may deem advisable.

Section 24. Section 1302 (Budget. Submission to City Council.) of the City Charter shall be amended to read as follows:

1302 Budget. Submission to City Council.

At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget ~~as prepared by him/her~~. Said budget shall be a balanced ten-year budget, reflect a minimum of ten years long-range financial planning, and include a multi-year operating and capital budget in accordance with the Fiscal SubElement of the City's General Plan. The budget shall depict planned City expenditures and revenues, as well as their relationship to the levels of service planned to be provided to the community. Financial efficiency and effectiveness measures shall be included, as well as historical trend data regarding past financial performances at the program budget level, at a minimum. The budget shall contain graphs/charts as appropriate to communicate both short-term and long-term impacts of the proposed budget to enable the Council to carry out its fiduciary responsibilities. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 25. Section 1304 (Budget. Further Consideration and Adoption.) of the City Charter shall be amended to read as follows:

1304 Budget. Further Consideration and Adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30th it shall adopt the budget with revisions, if any, by the affirmative vote of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager, or ~~his/her~~the City Manager's designated representative, and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Section 26. Section 1800 (Definitions) of the City Charter shall be amended to read as follows:

1800 Definitions.

Unless the provision or the context otherwise requires, as used in Charter:

"Shall" is mandatory and "may" is permissive.

"City" is the City of Sunnyvale and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Sunnyvale.

~~All references to gender shall be to both the masculine and feminine gender; such objective may be accomplished through the use of a slash mark between the masculine and feminine pronouns such as "he/she" or "him/her." Any reference in this Charter to "man" as a suffix indicative of the masculine gender, shall be stricken out and be replaced by either "member" or "person."~~

~~The changes incorporated in the paragraph immediately above, shall be reflected throughout this Charter in the next official printing thereof.~~