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**AMENDED EXHIBIT A (RESOLUTION 1234-24)**

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**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/she~~the member is on personal leave. A member of the City Council shall be permitted four personal leave days per calendar year.

Section 3. Section 606 (Vacancies.) of the City Charter shall be amended to read as follows:

**606 Vacancies.**

(a) In addition to any other cause from which vacancies in the City Council may occur, the office of the Mayor or Councilmember shall become vacant when that official:

- (1) Resigns or dies;
- (2) Is absent from all regular meetings of the Council for a period of sixty days consecutively from and after the last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes;
- (3) Is convicted of a crime involving moral turpitude;
- (4) Ceases to be an elector of the City of Sunnyvale;
- (5) Ceases to maintain ~~his/her~~their principal place of residence within the City limits, and/or within the applicable District boundaries for a member elected by District, during such official's term of office; or
- (6) Is involuntarily removed pursuant to Article II of the Constitution of the State of California, as may be amended from time to time.

(b) In the event of a vacancy in the office of Mayor or Councilmember, the Council shall officially declare the office vacant within thirty days of the commencement of any vacancy.

(c) Within sixty days of the date the office is officially declared vacant, the City Council shall, by affirmative vote of at least four of the remaining Councilmembers, elect to fill the vacancy by appointment or by calling an election.

(d) If the vacancy is filled by appointment, the appointee shall hold office until the next General Municipal Election or Special Municipal Election consolidated with the next statewide election, whichever occurs sooner, and a successor is elected and qualified. The Councilmember then elected shall serve for the remainder of any unexpired term, and until a successor is elected and qualified.

(e) The City Council shall adopt an ordinance establishing a public process for appointment.

(f) If the City Council elects to fill the vacancy by election or fails to fill the vacancy by appointment, it shall call an election to be held within two hundred and forty days of the date the vacancy is declared.

(g) Notwithstanding any other provision of this section, the City Council shall not make an appointment to fill a vacancy if the appointment would result in more than two Council members or one Councilmember and the Mayor currently serving on the Council

as appointees, and shall call a Special Municipal Election to be held within one hundred and eighty days from the date the Council declares the vacancy.

Section 4. 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/she~~The Mayor shall be the official head of the City for all ceremonial purposes. ~~He/she~~The 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/her~~the mayoral office.

Section 5. 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/her~~the Mayor's absence or disability.

Section 6. 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 month~~per 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 7. Section 613 (Place of Meetings.) of the City Charter shall be amended to read as follows:

**613. Place of Meetings.**

All meetings shall be convened in the Council Chambers of the City Hall, or at such other location as has been legally noticed, but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public; with the exception of closed sessions as authorized by law. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if ~~he/she~~the Mayor should fail to act, by four members of the City Council.

Section 8. 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/her~~their 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/her~~their tenure of office. No City Councilmember shall receive such an appointment during the term for which ~~he/she~~they shall have been elected, nor within two years thereafter.

Section 9. 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~~the responsibilities ~~as of~~ chief administrative officer of the City, which salary shall be established by ordinance or resolution.

Section 10. 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/she~~The 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/she~~and 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/she~~the 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/her~~the City Manager; and
- (7) Perform such other duties as may be prescribed by this Charter or required of ~~him/her~~the City Manager by the City Council, not inconsistent with this Charter.

Section 11. 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/she~~they may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under ~~his/her~~their jurisdiction.

Section 12. 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 13. 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 14. Section 900 (Officers to be Appointed by the City Council.) of the City Charter shall be amended to read as follows:

**900. Officers to be Appointed by the City Council.**

In addition to the City Manager, the City Council shall appoint the City Attorney. The City Manager and the City Attorney may be employed through written contracts, notwithstanding the appointive and removal authority otherwise provided in this Charter for the City Council.

Subject to the Civil Service provisions of this Charter the City Attorney shall appoint any deputy or assistant city attorneys employed in the Office of the City Attorney. Any such attorney shall serve at the pleasure of the City Attorney. When the City Attorney deems it necessary, the City Attorney may, subject to any limitations of law, suspend without pay, demote, discharge, remove or discipline any deputy or assistant city attorney whom ~~he/she~~the City Attorney is empowered to appoint. Neither the City Council nor any individual member shall in any manner dictate the appointment or removal of any such staff attorney, but the City Council may express its views to and fully and freely discuss with the City Attorney any matter pertaining to the appointment and removal of such staff attorneys.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Section 15. 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 16. 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 so do. 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 17. 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/her~~their 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 18. 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/her~~their 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 19. 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~~ is absent 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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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.~~

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