

Sample Charter Amendment Language Redline-
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Note: Charter sections highlighted in yellow (601(b), 604, 608) are sections requiring further Council direction.

Section 600. Elective Officers of the City. [administrative update]

The elective officers of the City shall consist of a City Council ~~composed of~~ seven members, consisting of six Council members and a Mayor. The term "City Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and six City Council members unless another provision of this charter or other law expressly provides to the contrary, or unless such interpretation would be clearly contrary to the intent and context of such other provision.

Section 601. Term and Election. [administrative update, except **Council direction needed re section (b) re Mayor term]**

(a) Commencing with the general municipal election of November 2020, the City Council members shall be residents of their respective Districts, as established pursuant to Section 602, and nominated and elected only by the voters of their respective Districts. The Mayor shall be elected from the City at large. The elective officers shall be elected at the times and in the manner provided in this Charter.

(b) [The Mayor and] eEach member of the City Council shall be elected ~~from the City at large at the General Municipal Election for a term of four years.~~ The term shall commence at the first regular meeting in January, at which the City Council shall certify the election results, and shall continue until a successor is elected and qualified.

~~(a)~~(c) The office of each member of the Council is a separate elective office to be separately filled at any election. The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

~~— Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number ____." The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.~~

~~— Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 1979 and every fourth year thereafter.~~

~~— Commencing in 2016, Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 2016, and every fourth year thereafter, and Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 2018, and every fourth year thereafter.~~

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~~—Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 4, 5, 6 and 7, whose term of office would have expired in January 2016 when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2017.~~

~~—Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 1, 2, and 3, whose term of office would have expired in January 2018, when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2019.~~

Section 602. City Council Districts. [administrative update]

District elections enacted in accordance with this section shall commence in the November 2020 general election. To elect the members of the City Council commencing with the November 2020 general municipal election, the City shall be divided into single-member districts equal in number to the number of City Council members, exclusive of the Mayor (each such district a “District” and, collectively, “Districts”). The City Council shall, by ordinance or resolution, establish the names and respective boundaries of the Districts that shall be used for the election of the Council members, and the transition plan from at-large elections to District elections. The Districts shall comply with applicable laws and such other permissible criteria as the City Council may determine.

Section ~~602~~603. Qualifications. [administrative update]

(a) No person shall be eligible to hold office as the Mayor or a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment, and, with respect to members of the City Council elected by District, of the District of which he or she seeks office at the time of filing of his or her 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 appointment to such office. Every member of the City Council or candidate for City Council elected by district shall be and remain a qualified voter in the District from which he or she seeks office from the time of filing nomination papers or such other equivalent declaration of candidacy as may be required or authorized by law, throughout the full term of his or her office, if elected or appointed in lieu of election.

(b) No person shall be a candidate for more than one elective office.
~~No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.~~

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Section 604. Term limits. *[Council direction needed. Sample options follow, existing Charter language redlined where possible.]*

Option A- Maintain current limit of 8 years for all members/mayor.

No person shall be eligible to serve as a member of the Council or Mayor for more than two successive four-year elective terms. Any person who has served two successive four-year elective terms shall not serve again until at least four years have passed since that person last held office. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four-year terms after the expiration of the unexpired term which he/she filled. Any person who serves a four-year elective term and is either not re-elected or does not run for re-election for a second successive term is eligible to serve after two years have passed since that person last held office as Mayor or Councilmember but is not eligible to run for a second successive term. Any person may serve as a Mayor or Councilmember for eight years in any twelve-year period, unless appointed to serve an unexpired term of less than two years in length as provided in this section.

Option B-New limit greater than current 8-year standard.

No person shall be eligible to serve as a member of the Council or Mayor for more than ~~two~~ three successive four-year elective terms. Any person who has served ~~two-three~~ successive four-year elective terms as Mayor or Councilmember or any combination thereof shall not serve again until at least four years have passed since that person last held office. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve ~~two three~~ successive four-year terms after the expiration of the unexpired term which he/she filled. Any person who serves a four-year elective term and is either not re-elected or does not run for re-election for a second or third successive term is eligible to serve after two years have passed since that person last held office as Mayor or Councilmember but is not eligible to run for a second successive term. Any person may serve as Mayor or Councilmember for eight-twelve years in any twelve-sixteen-year period, unless appointed to serve an unexpired term of less than two years in length as provided in this section.

Option C- Separate term limits for Council Member and Mayor not to exceed a total.

No person shall be eligible to serve as a member of the Council for more than two successive four year elective terms. No person shall be eligible to serve as Mayor for more than two (2) successive four (4) year terms. No person shall be eligible to serve consecutively as a City Council member and Mayor, or as a Mayor and as a City Council member, for more than a total four consecutive four (4) year terms, with no more than two (2) consecutive terms in either office. Any term of elected or appointed service of two (2) years or more shall constitute a four (4) year term for the purposes of this section.

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Section 60~~43~~⁴³. Compensation.

[Renumbered; text unchanged].

Section 60~~54~~⁵⁴. Vacancies. *[administrative update]*

(a) In addition to any other cause from which vacancies in the City Council may occur, the office of the Mayor or a member of the Council shall become vacant when ~~a member~~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 principal place of residence within the City limits, and/or within the applicable District boundary for a member elected by District, during such ~~member's 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 on the City Council, the Council shall officially declare the seat vacant within thirty days of the commencement of any vacancy.

(c) Within sixty days of the date the seat 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 of the members 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.

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Section 6065. Presiding Officer. Mayor. *[administrative update]*

~~At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and at the first regular meeting in January every two years thereafter, the City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. Such selection shall be by motion of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she 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 office. The Mayor shall serve in such capacity for a term of two years from and after which the appointment is made, and until a successor is selected; provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.~~

~~Notwithstanding the two year term set forth above, in order to facilitate the transition to even year elections, the Councilmember selected to serve as Mayor at the first regular meeting in January 2016 shall serve a one year term rather than a two year term. Commencing with the January 2017 selection, the two year mayoral term will resume in accordance with the paragraph above.~~

~~The Mayor may be removed from such office prior to expiration of his/her term by a motion of the City Council adopted by the affirmative votes of at least five members of the City Council.~~

Section 6076. Vice Mayor.

[Renumbered; text unchanged].

Section 608. Redistricting. *[New. Council direction needed re options for redistricting structure.]*

(a) The City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law. No ordinance or resolution authorized by this section that would change District boundaries created by a prior ordinance or resolution may be adopted within 180 days prior to any general municipal election.

(b) The purposes of this Section are to establish a redistricting process that is open and transparent and allows public comment on the drawing of district boundaries, and ensure that City Council district boundaries are drawn according to the redistricting criteria set forth in this Charter and applicable State and Federal laws.

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Option A- Independent Redistricting Commission

A Citizens Redistricting Commission composed of XX members is hereby created that shall be solely responsible for drawing City Council district boundaries in accordance with state and federal law and this Charter, and making adjustments as appropriate, taking into consideration public comment at public meetings and public hearings. The City Council shall have no role in developing or adopting a redistricting plan, and its sole responsibilities in redistricting shall be to adopt an ordinance establishing procedures to implement this Section; and adopting the redistricting plans determined by the Citizens Redistricting Commission.

Option B- Modified Independent Redistricting Commission

A Redistricting Commission composed of XX members is hereby created that shall be responsible for developing recommendations to the City Council as to the boundaries of Council districts according to the following procedures:

(1) The Commission shall approve a Draft Districting Plan based on application of the districting criteria specified in this Charter and applicable law and consideration of all public comments submitted to it. Approval of a Draft Districting Plan shall require the affirmative vote of at least two thirds of the Commission members. The Commission shall hold at least two (2) public meetings prior to approving a Draft Districting Plan.

(2) A Draft Districting Plan approved by the Commission shall be made publicly available for at least thirty (30) days before the Commission may take any action to approve a Recommended Districting Plan. The Commission shall hold at least two (2) public meetings between the release of a Draft Districting Plan and approval of a Recommended Districting Plan; provided, however, that the first such public meeting shall not be held sooner than seven (7) days following the release of a Draft Districting Plan.

(3) The Commission shall thereafter approve a Recommended Districting Plan for consideration by the City Council. Approval of a Recommended Districting Plan shall require the affirmative vote of at least two thirds of the Commission Members.

(4) For each Recommended Districting Plan prepared by the Commission and submitted to the City Council, the Commission shall prepare a report that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Districting Plan. Such a report shall accompany any Recommended Districting Plan submitted by the Commission to the City Council.

(5) The Recommended Districting Plan and Report shall be submitted to the City Council, which shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before the City Council takes any action to approve or disapprove the Recommended Districting Plan.

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(2) The Recommended Districting Plan shall be made publicly available for at least fourteen (14) days before any vote by the City Council to approve or disapprove a Recommended Districting Plan.

(3) The City Council shall not alter the Recommended Districting Plan. Rather, the City Council shall approve or disapprove the Recommended Districting Plan in its entirety.

(4) If the City Council approves a Recommended Districting Plan it shall immediately become the Final Districting Plan which shall be implemented by the City.

(5) If the City Council disapproves a Recommended Districting Plan, the City Council shall immediately state in writing to the Commission the reasons for such disapproval, including any deviations by the Commission from the districting criteria specified in Subdivision F of this Section. Thereafter, the Commission shall consider the City Council's stated reasons for disapproval and may consider and approve alterations to the Recommended Districting Plan in response to those reasons. After such consideration, the Commission shall submit its Final Districting Plan to the City Council for immediate implementation by the City. Approval of such Final Districting Plan shall require the affirmative vote of two thirds of the Commission Members.

Option C- Advisory Redistricting Commission

An Advisory Redistricting Commission composed of XX members is hereby created that shall be responsible for developing recommendations to the City Council as to the boundaries of Council districts. The Commission shall conduct public outreach and hearings throughout the City prior to making its recommendations. The Commission's recommendations to the Council shall be based on the redistricting criteria set forth in this Charter and applicable state and federal law.

Option D- Modified Advisory Redistricting Commission

An Advisory Redistricting Commission composed of XX members is hereby created that shall be responsible for developing two recommendations to the City Council as to the boundaries of Council districts (the "Recommended Districting Plans"). The Commission shall conduct public outreach and hearings throughout the City prior to choosing its Recommended Districting Plans. The Commission's recommendations to the Council shall be based on the redistricting criteria set forth in this Charter and applicable state and federal law. The City Council shall not alter the Recommended Districting plans and shall adopt one of the two plans recommended by the Commission.

Other Provisions

Commission Appointment and Process, Resources

(a) To ensure timely selection of Commission members and full implementation of the Commission's powers and duties under this Section, the City Council shall adopt an ordinance establishing a public process for the appointment and operation of the Redistricting

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Commission, and addressing such other matters as are necessary to provide for and support the Commission.

(b) The City Council shall ensure, through the budget process, the appropriation of funds sufficient to allow the Commission to carry out its powers and duties under this Section.

Outreach

The Commission and City should actively encourage City residents to participate in the districting process. Such efforts should include, but not be limited to, encouraging City residents to attend Commission meetings, provide public comments to the Commission, and facilitating the submission of districting plans for consideration by the Commission. To the extent practicable, Commission meetings should be held in different geographic areas of the City to facilitate participation by persons residing in different areas of the City.

Criteria for redistricting.

The Commission and City Council shall adhere to the following criteria in considering and approving or disapproving any Districting Plan:

(1) Districts shall have reasonably equal populations as required by the Federal and State constitutions.

(2) District boundaries shall be geographically compact and contiguous.

(3) District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible.

(4) District boundaries shall respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

(5) District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers.

(6) District boundaries shall be drawn without regard for advantage or disadvantage to any incumbent, political candidate, or political party.

(2) In establishing and modifying district boundaries, the Citizens Redistricting Commission shall take into consideration topography, geography, cohesiveness, contiguity, integrity and compactness of territory of the districts, as well as existing communities of interest as defined below, and shall utilize easily understood district boundaries such as major traffic arteries and geographic boundaries to the extent they are consistent with communities of interest. The geographic integrity of a neighborhood or community of interest shall be respected to the

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extent possible without violating State or Federal law or the requirements of this Section. For purposes of this subsection "communities of interest" shall mean the following: A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Such shared interests include but are not limited to those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process, as well as neighborhoods, students, organized student housing, shared age, and racial demographics. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(4) The Citizens Redistricting Commission may consider existing district boundaries as a basis for developing new district boundaries. Should the Commission deviate substantially in its redistricting plan from the previous district boundaries in order to reflect population growth, protect communities of interest or better comply with the redistricting criteria in the Charter, it shall issue a report explaining its reasons for doing so.

(5) The Citizens Redistricting Commission shall not consider the residence of sitting Councilmembers.

(6) If the Citizens Redistricting Commission adopts a redistricting plan that removes the residence of a sitting Councilmember from his or her then-current district, that Councilmember shall continue to serve on the City Council until the expiration of his or her term.

Annexation

Notwithstanding any other provision of this Charter, any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts by the City Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.