

Charter Chapter No. _____
Statutes of 2020

AMENDMENTS TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article VI. The Council

Special Municipal Election Held March 3, 2020

[Filed with the California Secretary of State _____]

The City Charter of the City of Sunnyvale shall be amended by amending Article VI (The Council) to read as follows:

Section 600. Elective Officers of the City.

(a) The elective officers of the City shall consist of a City Council , consisting of six Council members and a Mayor.

(b) The term "City Council," "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.

Section 601. Term and Election.

(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 directly elected by the voters of the City. The elective officers shall be elected at the times and in the manner provided in this Charter. Notwithstanding any other provision of this Charter, members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms.

(b) The Mayor and each member of the City Council shall be elected 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 qualified.

(c) The offices of Mayor and member of the Council are separate elective offices 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.

Section 602. Transition to City Council Districts.

District-based elections established 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 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 specify.

Section 603. Qualifications.

(a) No person shall be eligible to hold office as the Mayor unless he/she 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 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, and throughout the full term of his or her 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 a registered voter of the District at the time of and for the thirty-day period immediately preceding 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, and throughout the full term of his or her 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 604. Term limits.

(a) No person shall be eligible to serve as Mayor or a member of the Council for more than three successive four-year elective terms of which no more than two terms can be as mayor and no more than two terms can be as a member of the Council.

(b) Any person who has served three successive four-year elective terms as Mayor or member of the Council as permitted by this subsection (a) above shall not serve again until at least four years have passed since that person last held office. Any Mayor or member of the Council elected or appointed to a term of two years or more shall constitute a four-year elective term for the purposes of this section.

(c) Any person who serves a four-year elective term and is either not re-elected or does not run for 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. Subject to the provisions of subsection (a) above, any person may serve as Mayor or Councilmember for twelve years in any sixteen-year period, unless elected or appointed to serve an unexpired term of less than two years in length as provided in this section.

Section 605. Compensation.

[Renumbered; text unchanged].

Section 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 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 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 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.

Section 608. Vice Mayor.

[Renumbered; text unchanged].

Section 609. Redistricting.

(a) Following each decennial federal census, and at other such times as provided by law, the boundaries of any or all the Districts of the City shall be adjusted so that the Districts shall be as nearly equal in population as may be, consistent with law applicable to the creation and rearrangement of the boundaries of local districts.

(b) The City Council shall adopt an ordinance establishing a public process for redistricting. Such ordinance shall be adopted in sufficient time for redistricting following release of the 2020 federal Census.

(c) No change in the boundary of any District shall abolish or terminate the term of office of any City Council member prior to the expiration of the term of office for which the member was elected or appointed in lieu of election, notwithstanding any other provision of this Article.

Section 610. Powers.

[Renumbered; text unchanged].

Section 611. Regular Meetings.

[Renumbered; text unchanged].

Section 612. Special Meetings and Emergency Meetings.

[Renumbered; text unchanged].

Section 613. Place of Meetings.

[Renumbered; text unchanged].

Section 614. Quorum.

[Renumbered; text unchanged].

Section 615. Election and Qualification of Councilmembers.

[Renumbered; text unchanged].

Section 616. Proceedings.

[Renumbered; text unchanged].

Certified and authenticated as a true copy:

Certified and authenticated as a true copy
and attested to:

LARRY KLEIN
Mayor

DAVID CARNAHAN
City Clerk

(Seal)