

RESPONSE(S) TO COUNCIL QUESTION(S)

RE: 6/14/2016 AGENDA

Agenda Item #: 1E

Title: Award of Contract for a Body-worn Camera Solution (F16-44)

Question(s): what does the formal policy say regarding public records requests for camera footage?

Staff Response(s): The policy provides for retention and disclosure of footage in accordance with the City's established records retention requirements for evidence and investigatory records. Under current California law, digital recordings are evidence that is part of a police investigatory record. Investigatory records, including evidence, are generally exempt from public records disclosure under Government Code § 6254(f).

Agenda Item #: 1L

Title: Approve an Agreement between the City of Sunnyvale and the California Theatre Center for Use of City Facilities from September 26, 2016 through May 31, 2017 at a Rental Rate Below Established Rental Fees

Question(s): Council policy says that in situations like this, the agreement requires review by the appropriate Board and Commission as well as authorization by the City Council. Shouldn't this have been reviewed by the Arts Commission and/or the Parks & Rec Commission?

Staff Response(s): In the past this agreement was approved administratively. Our research shows that past Council action was not obtained. In order to avoid further delays with approving the agreement, which may impact ticket sales for the California Theatre Center (CTC), staff is requesting that Council approve the one-year agreement without the advisory review by the Parks and Recreation Commission. Staff will advise the Commission of this agreement and the reason for the expedited review at its next regularly scheduled meeting.

Agenda Item #: 4

Title: Annual Public Hearing on FY 2016/17 Budget and Resource Allocation Plan and Establishment of Appropriations Limit

Question(s): The second paragraph of the staff recommendation refers to fees and is identical to the staff recommendation for item 5. Perhaps it was copied inadvertently from item 5.

Staff Response(s): That is correct, staff inadvertently copied over the language from the fee schedule without updating it. The language should read: "Council is conducting a public hearing in order to solicit public input and provide direction to staff on changes

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to the budget prior to the June 28, 2016 Council meeting where the proposed budget will be considered for adoption.”

Agenda Item #: 5

Title: Annual Review of Proposed Fees and Charges for Fiscal Year 2016/17

Question(s): What's the basis for the decision to differentiate between resident and non-resident golfers? What is the expected impact on overall golf revenue from such a change? Are our golfers predominantly residents or non-residents? And how do these numbers stack up against other nearby golf courses?

Staff Response(s): Sunnyvale has utilized resident and non-resident rates at both golf courses on weekends and recommends to apply the two-tiered system to weekdays as well. A two-tiered rate structure has been in place with other municipal golf courses in the area. For example, Santa Clara and Mountain View have discounts for residents between \$7-\$8. Therefore, staff recommends to offer a discounted rate to Sunnyvale residents between \$2 and \$6 depending on the course played and the day of the week. Currently, about 75% of golfers are non-residents. Staff anticipates that the increase in revenue from the higher rate will offset the discounts afforded to residents. Regardless, staff will monitor golf rounds closely during the upcoming fiscal year especially in light of the anticipated golf course closure in Santa Clara in 2017. The City is also open to negotiate agreements with neighboring cities to offer golf course rounds for their respective residents at the Sunnyvale resident rate.

Agenda Item #: 7

Title: Adopt a Resolution Calling a General Municipal Election to be Held in the City of Sunnyvale on Tuesday, November 8, 2016, for the Purpose of Submitting to City Voters an Initiative Ordinance to Require Voter Approval for Any Sale, Lease, Lease Extension, Lease Renewal, Land Swap or Transfer of Property Owned, Leased Or Used by the City as a Public Park or Community Service Amenity (The "Public Lands For Public Use Act"); 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.

Question(s): If Council authorizes one or more members to submit a written argument against the measure, are those same members also authorized to submit a rebuttal? Or does Council need to make a separate authorization for a rebuttal?

Staff Response(s): The resolution placing the Public Lands Initiative on the November 8, 2016 ballot provides the Council with several different options for submitting or authorizing others to submit an argument against the measure. One of the Council Members requested clarification on allowed signatures and rebuttal arguments if the Council chooses to authorize a member or members of the Council to submit the

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argument against.

Elections Code section 9285 requires the clerk to send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure, and provides that those authors may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. Section 9282 allows up to five individual signatures to accompany any primary or rebuttal ballot argument.

To ensure that everyone has a clear understanding of authorized signatures and rebuttal arguments if Council chooses to authorize certain members to write an argument against the measure, staff has revised the option regarding designated authors as follows to include specific direction on these items:

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

A complete copy of the revised resolution including this option (in Section 9, page 4) is attached (Attachment A).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SUNNYVALE ON TUESDAY, NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO CITY VOTERS AN INITIATIVE ORDINANCE TO REQUIRE VOTER APPROVAL FOR ANY SALE, LEASE, LEASE EXTENSION, LEASE RENEWAL, LAND SWAP OR TRANSFER OF PROPERTY OWNED, LEASED OR USED BY THE CITY AS A PUBLIC PARK OR COMMUNITY SERVICE AMENITY (THE "PUBLIC LANDS FOR PUBLIC USE ACT"); 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, on December 2, 2014, proponents of an initiative titled "Public Lands for Public Use Act" filed a Notice of Intent to circulate a petition to modify the City's municipal code by requiring prior voter approval for any sale, lease, lease extension, lease renewal, land swap, or transfer of property owned, leased, or used by the City as a public park or community service amenity; and

WHEREAS, proponents began circulating the petition for signatures on or about February 6, 2015; and

WHEREAS, on April 21, 2015, City Council requested preparation of a report pursuant to Elections Code Section 9212 on the impacts of the proposed initiative ordinance, to be provided to City Council at the time the Certificate of Sufficiency for the petition of signatures was presented; and

WHEREAS, on June 15, 2015, the initiative petition was filed with the Office of the City Clerk and the City Clerk, as the city elections official, determined there were a sufficient number of signatures to proceed, and requested the Santa Clara County Registrar of Voters (ROV) to provide services for verification of signatures; and

WHEREAS, on July 27, 2015, the City received a Certificate of Sufficiency from the ROV indicating the petition contained a sufficient number of valid signatures for submission to the voters at the City's next regular election; and

WHEREAS, on August 11, 2015, the City Council took action to accept the Certificate of Sufficiency, and received and considered the “Report on Impacts of the ‘Public Lands for Public Use Act’ Initiative prepared under Elections Code Section 9212”; and

WHEREAS, City Council took action to order the submission of the initiative ordinance, without alteration, to the voters at the next general municipal election to be held on November 8, 2016, and directed staff to return at the appropriate time to complete the steps necessary to order an election; and

WHEREAS, the City Council desires to submit to the voters a measure concerning “Public Lands for Public Use Act” Initiative; 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 8, 2016, 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 8, 2016, 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 8, 2016, the following measure:

| CITY OF SUNNYVALE MEASURE | |
|--|-----|
| Shall an ordinance be adopted to require the City to conduct a citywide election requesting approval from a majority of voters for any sale, lease, lease extension, lease renewal, land swap, or transfer of any property, facility, or land that the City owns, leases, or uses for government administration, recreation, public park, or similar community purposes? | 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 Municipal Code 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 opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.
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 8, 2016. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, those certain services set forth in Section 4 hereof.
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 AGAINST MEASURE. The Council hereby selects the following course of action regarding arguments against the measure [*Council to select one of the following concurrent with adoption of resolution*]:
- a. Authorizes the City Council as a body to submit a written argument against the measure, and in the event an argument is filed for the measure, a rebuttal argument.
 - b. Authorizes [#] member(s) of the City Council to submit a written argument against the measure: [one or more name(s)] . At [Name(s)] discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure [Name(s)] is also authorized to submit a rebuttal argument on behalf of the City Council, which, at [Name(s)] discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.
OR
 - d. 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.
9. IMPARTIAL ANALYSIS. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure.
10. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors, the County Registrar of Voters and the County Clerk of the County of Santa Clara.
11. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(3), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project because it is a voter-sponsored initiative measure.

Adopted by the City Council at a regular meeting held on _____, by the following
vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney