



# City of Sunnyvale

## Notice and Agenda

### Charter Review Committee

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Thursday, January 11, 2018

6:00 PM

HR Training Room, 505 W. Olive Ave.,  
Suite 202, Sunnyvale, CA 94086

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#### Special Meeting

*NOTICE: Members of the public shall have the opportunity to address the Charter Review Committee concerning any item listed on the agenda before or during consideration of that item. No other items may be discussed at this special meeting.*

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **OATH OF OFFICE**

#### **INTRODUCTIONS**

#### **PRESENTATION**

[18-0046](#)

Brown Act, Parliamentary Procedure and Public Records Act

#### **GENERAL BUSINESS**

*If you wish to speak regarding a general business item, please fill out a speaker card and give it to the City Clerk. You will be recognized at the time the item is being considered by the committee. Each speaker is limited to a maximum of three minutes.*

1     [18-0047](#)

Selection of Chair and Vice Chair

2     [18-0054](#)

Adopt "The Standard Code of Parliamentary Procedure - 4th Edition" by Alice Sturgis as the Charter Review Committee's Rules of Procedure

**Recommendation:** Adopt "The Standard Code of Parliamentary Procedure - 4th Edition" by Alice Sturgis as the Charter Review Committee's Rules of Procedure.

3     [18-0048](#)

Discussion and possible action to approve Meeting Schedule

- 4      [18-0049](#)      Review Charter Review Committee Scope and Discuss Work Plan

### **ADJOURNMENT**

### **NOTICE TO THE PUBLIC**

*Any agenda related writings or documents distributed to members of the Charter Review Committee regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, California during normal business hours and in the West Conference Room on the evening of the meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.*

*Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b)(1))*



# City of Sunnyvale

## Agenda Item

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**18-0046**

**Agenda Date:** 1/11/2018

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Brown Act, Parliamentary Procedure and Public Records Act



# City of Sunnyvale

## Agenda Item

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**18-0047**

**Agenda Date:** 1/11/2018

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Selection of Chair and Vice Chair





# City of Sunnyvale

## Agenda Item

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**18-0054**

**Agenda Date:** 1/11/2018

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**SUBJECT**

Adopt "*The Standard Code of Parliamentary Procedure - 4<sup>th</sup> Edition*" by Alice Sturgis as the Charter Review Committee's Rules of Procedure

**RECOMMENDATION**

Adopt "*The Standard Code of Parliamentary Procedure - 4<sup>th</sup> Edition*" by Alice Sturgis as the Charter Review Committee's Rules of Procedure.



# City of Sunnyvale

## Agenda Item

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**18-0048**

**Agenda Date:** 1/11/2018

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Discussion and possible action to approve Meeting Schedule

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18-0048

Agenda Date: 1/11/2018

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**Charter Review Committee** proposed meeting dates based on room availability:

Second (2<sup>nd</sup>) and Fourth (4<sup>th</sup>) Thursdays at 6 PM:

January 11  
January 25  
February 8  
February 22  
March 8  
March 22  
April 12  
April 26  
May 10



# City of Sunnyvale

## Agenda Item

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18-0049

Agenda Date: 1/11/2018

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### MEMORANDUM TO CHARTER REVIEW COMMITTEE

#### SUBJECT

Review Charter Review Committee Scope and Discuss Work Plan

#### Scope of the Charter Review Committee

The Scope of the Charter Review Committee is to analyze and propose alternatives for amending City Charter Section 604 (Filling Vacancies in Council Seats). The Charter Review Committee (CRC) will meet as needed, from January through April 2018. The CRC is expected to complete its task and make recommendations to the City Council by May 2018. The City Council will consider the recommendations of the CRC tentatively in June 2018 and will provide direction at that time to prepare and submit a ballot measure (Charter Amendment) to City voters on the November 6, 2018 General Municipal Election ballot.

#### Background

Report to Council No. 17-0668 *Direction on Potential Charter Amendments to Revise Sections 604 (Filling Vacancies in Council Seats) and 606 (Designation of Vice Mayor) (Study Issue)* (included in Attachment 2) provides a brief history of Sunnyvale City Charter provisions and election history relating to Council vacancies, a summary of the current requirements for filling a Council vacancy under Charter Section 604, and outlines potential options for amending Section 604 to minimize potential special election costs while balancing the public interest in directly electing Councilmembers.

Staff will make a short presentation summarizing Report to Council No. 17-068 and upon its conclusion the Committee can ask questions and discuss the establishment of a Work Plan to develop recommendations to the City Council by May 2018.

#### ATTACHMENT

1. Sunnyvale City Charter Section 604
2. Compilation of Staff Reports and Council Actions Following Resignation of Councilmember in April 2016

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## Sunnyvale Municipal Code

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### CHARTER OF THE CITY OF SUNNYVALE

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#### Article VI The Council

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#### **Section 604. Vacancies.**

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Except as otherwise provided herein, in the event of a vacancy in the City Council, from whatever cause arising, within thirty days of the commencement of any vacancy the City Council shall officially declare the seat vacant and call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death or other involuntary removal of a member, pursuant to Article II, Section 4, of the Constitution of the State of California, where the unexpired term of the deceased or removed member does not exceed one hundred eighty days, the City Council shall, within sixty days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the sixty-day period, it shall treat such vacancy in the same manner as one created by a cause other than death or involuntary removal.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty days from the date the Council declares the vacancy to exist except that no election shall be held on the day before, day of, or day after a state holiday. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until his/her successor is elected and qualified.

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty days consecutively from and after that last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale or ceases to maintain his/her principal place of residence within the City limits during his/her term of office. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982 and January 17, 1992: previously Section 703)

Compilation of Staff Reports and Council Actions by Date



# City of Sunnyvale

## Agenda Item

16-0383

Agenda Date: 4/19/2016

### REPORT TO COUNCIL

#### SUBJECT

Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements

#### DISCUSSION

On April 4, 2016, City Councilmember David Whittum formally submitted a letter of resignation to the City Clerk, effective April 4, 2016.

Councilmember Whittum was elected to serve as Councilmember Seat Number 4 on November 7, 2007. He began his first term in January 2008, and was re-elected November 8, 2011. After Sunnyvale voters approved a charter amendment in November 2013 to change from odd-year to even-year elections and extending current terms by one year to accommodate the change, his second term was scheduled to end January 10, 2017. Mr. Whittum would not have been eligible to run for an additional term in the November 8, 2016 election due to the two-term limit specified in the Sunnyvale City Charter.

Pursuant to Sunnyvale City Charter Section 604, when a Council vacancy occurs, the Council must officially declare the seat vacant within 30 days and call a Special Municipal Election to fill the vacancy for the unexpired term. Other provisions apply when the vacancy is created by the death or other involuntary removal of the member. The Charter allows for the special municipal election to be consolidated with a general municipal or statewide election, if such an election is scheduled within 180 days of the declaration of the vacancy. However, in this instance, an election to fill the vacancy does not qualify for either of the two upcoming Statewide General Elections. The date by which the Council must have consolidated the special municipal election with the June 7, 2016 Statewide Election was March 11. The November 8, 2016 Statewide General Election is over 180 days beyond the latest possible date (May 4, 2016) by which the Council is required by Charter to declare the vacancy within 30 days of the resignation. Therefore, the only option available to fill this vacancy in accordance with the City Charter is to hold a special election. A special election must be held within 120 days from the date Council declares the vacancy.

Staff recommends the following Council actions required by the City Charter and in compliance with the California Elections Code:

- Adopt a Resolution Declaring Councilmember Seat Number 4 Vacant (Attachment 1);
- Adopt a Resolution Calling a Special Municipal Election for Tuesday, August 16, 2016 for the purpose of filling the vacancy in Councilmember Seat Number 4 for the Unexpired Term,

requesting election services from the Santa Clara County Registrar of Voters, providing regulations for Candidates' Statements and determining to levy costs of Candidates' statements (Attachment 2).

If Council takes action at this time, the Nomination Period for the Special Municipal Election to be held August 16, 2016 will open Monday, April 25, 2016 and close at 5 p.m. Friday, May 20, 2016. The Special Municipal Election to fill the vacancy for the unexpired term will be held in all respects in the same way as a regular Municipal Election for filling officeholder seats on the City Council. The candidate elected will be sworn in and take their seat at the Council meeting following the receipt of the Certification of the Election Results from the County Registrar of Voters, on or before September 20, 2016 and will serve through the remainder of the unexpired term to January 10, 2017.

The Resolution Calling the Special Municipal Election for August 16, 2016 (Attachment 2) requests the County of Santa Clara Registrar of Voters (SCCROV) to provide services to conduct the City's election. The City will be responsible for issuing, receiving and processing candidate nomination papers and statements; forwarding candidates' statements to the County for translation, printing and mailing to the voters; forwarding any vote by mail applications and write-in declarations received by the Office of the City Clerk to the Registrar of Voters; and publishing notices of the election and nominees.

### **EXISTING POLICY**

As discussed above, Sunnyvale Charter Section 604 "Vacancies" provides the process for declaring and holding special elections for vacancies in councilmember seats.

Charter Section 1403 "Procedure For Holding Elections" provides that "all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities organized under the General Law of the State of California, insofar as the same are not in conflict with this Charter."

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

The County Registrar of Voters estimates the cost of publishing candidate statements for a stand-alone Special Municipal Election at \$2,337 for each candidate, plus the cost of ballot printing in five languages. This cost is generally paid by each candidate who elects to have their candidate statement published in the voter information pamphlet. However, Sunnyvale Municipal Code (Chapter 2.28) allows for the fee to be waived if the candidate submits 250 valid signatures, and prorated if fewer valid signatures are submitted. For candidates who submit qualifying signatures, the City of Sunnyvale pays in full (for 250 signatures) or in part (pro-rated at \$9.00 per signature) for the cost of publishing candidate statements.

The estimated cost of conducting the Special Municipal Election by the County of Santa Clara Registrar of Voters is estimated to be \$767,590, plus the cost per candidate statement of \$2,337. The forthcoming FY 2016/17 recommended budget will include the estimated costs for the November 8



General Election in the amount of \$452,158 as well as the estimated cost for the August 16 Special Election in the amount of \$767,590 for a total cost of \$1,219,748.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**ALTERNATIVES**

1. Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements.
2. Provide direction to staff and continue this item to May 3, 2016 for final action pursuant to the Charter.

**RECOMMENDATION**

Alternative 1: Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: John Nagel, City Attorney

Reviewed by: Tim Kirby, Acting Finance Director

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Resolution Declaring Councilmember Seat Number 4 Vacant
2. Resolution Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements
3. Resignation Letter from David Whittum

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE DECLARING COUNCILMEMBER SEAT  
NO. 4 VACANT**

WHEREAS, Councilmember David Whittum submitted his resignation from the City Council to the City Clerk effective April 4, 2016; and

WHEREAS, Section 604 of the City Charter of the City of Sunnyvale requires that within thirty days of the commencement of a vacancy, except when created by the death or other involuntary removal of a member, the City Council shall officially declare the seat vacant within thirty (30) days of the commencement of any vacancy.

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

1. Based on Councilmember Whittum's resignation on April 4, 2016, Councilmember Seat No. 4 is hereby declared vacant.

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

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE CALLING A SPECIAL MUNICIPAL  
ELECTION TO BE HELD ON TUESDAY, AUGUST 16, 2016  
FOR THE PURPOSE OF FILLING THE VACANCY IN  
COUNCILMEMBER SEAT NUMBER 4 FOR THE  
UNEXPIRED TERM, REQUESTING ELECTION SERVICES  
FROM THE SANTA CLARA COUNTY REGISTRAR OF  
VOTERS, PROVIDING REGULATIONS FOR  
CANDIDATES' STATEMENTS AND DETERMINING TO  
LEVY COSTS OF CANDIDATES' STATEMENTS**

WHEREAS, on April 4, 2016, Councilmember Whittum, who held Councilmember seat number 4, submitted his resignation from the City Council; and

WHEREAS, consistent with Section 604 of the Charter of the City of Sunnyvale, the City Council declared council seat number 4 vacant on April 19, 2016; and

WHEREAS, the current term for Councilmember Whittum's seat is scheduled to expire in January 2017, when the successor elected in the November 2016 general election assumes office at the first regular meeting, scheduled for January 10, 2017; and

WHEREAS, Section 604 of the City Charter further requires the City Council to hold a special election to fill an unexpired term within one hundred and twenty days from the date the Council declares the vacancy; and

WHEREAS, special elections required under Section 604 of the Sunnyvale Charter may only be consolidated with a general municipal or statewide election that is scheduled within one hundred eighty days from the date that the vacancy is declared; and

WHEREAS, the next general municipal or statewide election to which the City could submit a matter to the voters is scheduled to occur more than one hundred eighty days from the date the Council must declare the vacancy in Councilmember seat number 4; therefore a special municipal election is required under Section 604 of the Sunnyvale Charter; and

WHEREAS, consistent with section 604 of the Sunnyvale Charter, the City Council desires to call a special municipal election to fill the vacant City Councilmember seat number 4 for the remainder of Councilmember Whittum's term; and

WHEREAS, the City Council desires to have the Santa Clara County Registrar of Voters render services in connection with the special municipal election; and

WHEREAS, California Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Registrar of Voters; and

WHEREAS, California Elections Code Section 13307 requires that before the nominating period opens the City Council must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters.

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

1. SPECIAL MUNICIPAL ELECTION. Pursuant to Section 604 of the Sunnyvale Charter, a Special Municipal Election is hereby called to be held in and for the City of Sunnyvale on Tuesday, August 16, 2016, for the purpose of electing one councilmember for a short term to fill the remaining term of Councilmember Seat Number 4, which will expire on January 10, 2017.

2. DUTIES OF CITY CLERK. The City Clerk hereby is authorized and directed to do all things required by law to effectuate the Special Municipal Election, including, but not limited to, required publications, postings, notices and filings.

3. SERVICES OF REGISTRAR. Pursuant to California Elections Code Section 10002, 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 the Special Municipal Election to be held on Tuesday, August 16, 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 those certain services set forth herein. 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 to aid in the conduct of the election. Further, 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.

4. NOMINATIONS. The timing for the submission of nomination documents for candidates shall be governed by California Elections Code Section 10220 and submitted to the office of the City Clerk no later than 5 p.m., 88 days prior to August 16, 2016. Nomination documents shall be available in the office of the City Clerk during the hours that City Hall is normally open to the public.

5. CANDIDATE STATEMENTS. Pursuant to California Elections Code Section 13307, each candidate for elective office to be voted for at the August 16, 2016 Special Municipal Election may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the City Clerk Department at the time the candidate's nomination papers are filed. If requested by the Registrar of Voters, the candidate shall also provide an electronic copy of the statement when the

hard copy is filed with the City Clerk. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

6. PAYMENT FOR CANDIDATE STATEMENTS. Candidates shall be required to pay for the cost of translating and printing the candidate's statement into any required foreign language as specified above pursuant to Federal and/or State law, except that the City Clerk may reduce any amount due for the Candidate's statement as provided in Sunnyvale Municipal Code Section 2.28.010. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the City his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet (estimated cost \$2,337.00). The estimate is just an approximation of actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill candidates for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election or upon receipt of County billing.

7. BALLOTS. Ballots to be used at the election shall be in a form and content as required by law.

8. HOURS. Polls for the election shall be open at seven o'clock a.m. the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when polls shall be closed, pursuant to California Elections Code Section 10242, except as provided in California Elections Code Section 14401.

9. OTHER PROVISIONS FOR ELECTION. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

10. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to submit a certified copy of this Resolution to the Board of Supervisors, to the Registrar of Voters, and to 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)(5), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

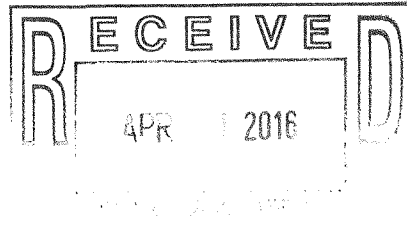
APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



Kathleen Franco Simmons,  
City Clerk  
City of Sunnyvale  
603 All America Way  
Sunnyvale, CA 94086

April 4, 2016

Kathleen,

Please accept this letter as my formal resignation from the position of Member, Seat 4, Sunnyvale City Council, effective April 4, 2016.

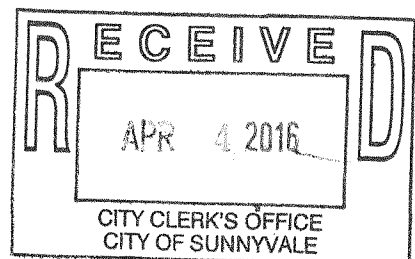
My reasons for resigning are work-life balance and health. I am concluding that I am not physically able to sustain my present commitments to support a heavy workload, on top of Council work and meetings frequently lasting eight hours and running past 1AM.

With term limits and in my last year, I am reluctant to leave my day-job. My term was scheduled to end January 5, 2016 and I have served well past eight years, due to the change to even-year elections. I hope the community will agree that I have fulfilled my commitment and that the choice is a reasonable one.

It has been a privilege to serve and I am grateful to the people of Sunnyvale for this amazing opportunity and for our accomplishments together.

Sincerely yours,

Dave Whittum



- 5**      [16-0383](#)      Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements

City Clerk Kathleen Franco Simmons presented the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 10 p.m.

Russ Melton provided comments in appreciation of Councilmember Whittum's service and stated he hopes there will be a formal event to thank him for his service.

Larry Klein spoke regarding the occurrence of the temporary vacancy in 2009, and regarding the impacts to candidates for Seat Number 4.

Public Hearing closed at 10:05 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Martin-Milius seconded the motion to approve Alternative 1: Adopt two Resolutions: (1) Declaring Councilmember Seat Number 4 Vacant and (2) Calling a Special Municipal Election to be held on Tuesday, August 16, 2016 for the Purpose of Filling the Vacancy in Councilmember Seat Number 4 for the Unexpired Term, Requesting Election Services from the Santa Clara County Registrar of Voters, Providing Regulations for Candidates' Statements and Determining to Levy Costs of Candidates' Statements.

The motion carried by the following vote:

- Yes:** 5 -    Mayor Hendricks  
                 Vice Mayor Larsson  
                 Councilmember Griffith  
                 Councilmember Martin-Milius  
                 Councilmember Davis
- No:** 1 -    Councilmember Meyering





# City of Sunnyvale

## Agenda Item

16-0685

Agenda Date: 9/13/2016

### REPORT TO COUNCIL

#### SUBJECT

Certification of Special Election Results of August 16, 2016 - Councilmember Seat Number 4 (Unexpired Term)

#### DISCUSSION

A Special Municipal Election was held August 16, 2016 for the purpose of electing a Councilmember to fill the unexpired term in vacant Councilmember Seat Number 4. The Santa Clara County Registrar of Voters has canvassed the returns of the election and on August 29, 2016, the City Clerk received the Registrar of Voters' Certification of Election Results.

California Elections Code Section 10263 requires the City Council to adopt a resolution reciting the fact of the election and to declare elected the person receiving the highest votes cast for the office. The term will commence at the regular meeting during which the Certification of Election Results is approved by resolution of the Council, and will expire at the first meeting in January 2017 following the Certification of the Election Results of the November 8, 2016 General Municipal Election.

The attached resolution recites the number of votes cast and percentage of the vote received by each candidate, and declares the following person elected to the office of Councilmember Seat Number 4: Larry Klein

The votes cast and percentage of the vote received by each individual follows in the table below (Councilmember-Elect name in bold):

#### Councilmember Seat Number 4 - Total Votes Cast: 12,947

Candidate	Votes Received	Percentage of Votes Received
<b>Larry Klein</b>	<b>7,284</b>	<b>60.24%</b>
John Cordes	3,830	31.67%
Stephen D. Williams	978	8.09%

Total Registration: 56,030  
Precinct Ballots Cast: 1,123  
Vote by Mail Ballots Cast: 11,824  
Total Ballots Cast: 12,947  
Voter Turnout: 23.11%

#### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Adopt the Resolution Reciting the Fact of the Special Municipal Election held August 16, 2016, Declaring the Results and such other matters as provided by law.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Resolution of the City Council of the City of Sunnyvale Reciting the Fact of the Special Municipal Election held August 16, 2016, Declaring the Results and such other matters as provided by law.

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE RECITING THE FACT OF THE SPECIAL  
MUNICIPAL ELECTION HELD ON AUGUST 16, 2016,  
DECLARING THE RESULTS AND SUCH OTHER  
MATTERS AS PROVIDED BY LAW**

WHEREAS, the City Council of the City of Sunnyvale duly called and ordered held in the City on Tuesday, August 16, 2016, a Special Municipal Election pursuant to Section 1401 of the Charter to fill City Council Seat No. 4; and

WHEREAS, pursuant to the applicable provisions of the Elections Code of the State of California, the Registrar of Voters of the County of Santa Clara has duly canvassed the votes cast by the electors in the City of Sunnyvale upon the office hereinafter set forth, and has supplied to the City Council the final results of the votes cast, which results are attached as Exhibit A and incorporated by reference; a copy of the Certification of Election Results from the County of Santa Clara Registrar of Voters is also attached hereto as Exhibit B and incorporated by reference.

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

1. The statement of the final results by the County of Santa Clara Registrar of Voters (as shown in Exhibit "A") and the results of the votes cast at the Special Municipal Election are hereby ratified, confirmed and approved.
2. The total numbers of votes cast in the City of Sunnyvale at the Special Election, and the number of votes cast in each precinct for the person and respective office to be filled at the Special Municipal Election, are as set forth in Exhibit A. All absent voters' ballots have been duly received and canvassed in time, form and manner as required by law, and the results of the absentee vote are set forth in Exhibit A.
3. The names of the person voted for the office of Councilmember and the total number of votes (including absentee votes) given in the City to each of the persons were as follows:

<u>CANDIDATES</u>	<u>TOTAL VOTE</u>	<u>PERCENTAGE OF VOTES RECEIVED</u>
<u>Councilmember, Seat No. 4</u>		
Larry Klein	7,284	60.24%
John Cordes	3,830	31.67%
Stephen D. Williams	978	8.09%

4. The following named person received the largest number of votes for the office of Councilmember and was, therefore, duly elected to the office, and the City Clerk is hereby directed to issue a Certificate of Election to the person, certifying their election to the office appearing after his or her name, and to administer to the person the oath of office prescribed by the Constitution and the laws of the State of California and the Charter of the City of Sunnyvale:

Councilmember Seat No. 4

Larry Klein

5. The City Clerk of the City of Sunnyvale hereby is instructed to enter this resolution on the minutes of the City Council as a statement of the results of the 2016 Special Municipal Election.

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

## **EXHIBIT A**

### **CERTIFICATE OF ELECTION RESULTS**

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF SANTA CLARA    )

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A Special Municipal Election was held in the County of Santa Clara, for the **City of Sunnyvale**, on August 16, 2016 for the purpose of electing **One (1) Council Member for Seat 4** to the Governing Board.

2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file in my office, shows the number of votes for each candidate for the Governing Board of the **City of Sunnyvale** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 29th day of August, 2016.



Shannon Bushey  
Shannon Bushey, Registrar of Voters

REGISTRATION & TURNOUT  
Santa Clara County

Completed Precincts	29 of 29	
Total Registration	56,030	
Precinct Reporting Ballots Cast	1,123	2.00%
Vote by Mail Reporting Ballots Cast	11,824	21.10%
Total Ballots Cast	12,947	23.11%

## Member of City Council CITY OF SUNNYVALE seat 4

Completed Precincts	29 of 29	
Under Votes:	34	
Over Votes:	56	
LARRY KLEIN	7,284	60.24%
JOHN CORDES	3,830	31.67%
STEPHEN D. WILLIAMS	978	8.09%

GRD, Totals - Page 1

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member of City Council CITY OF SUNNYVALE seat 4 Vote for One LARRY KLEIN	STEPHEN D. WILLIAMS	JOHN CORDES
CALIFORNIA	56030	12947	23.1%		7284	978	3830
US Representative, District 17	56030	12947	23.1%		7284	978	3830
State Senate, District 10	21	6	28.6%		5	0	0
State Senate, District 13	56009	12941	23.1%		7279	978	3830
State Assembly District 24	56009	12941	23.1%		7279	978	3830
State Assembly District 25	21	6	28.6%		5	0	0
State Board of Equal, District 2	56030	12947	23.1%		7284	978	3830
Supervisory District 3	26616	5641	21.2%		2786	468	1937
Supervisory District 5	29414	7306	24.8%		4498	510	1893
City of Sunnyvale	56030	12947	23.1%		7284	978	3830

VOT. Totals - Page 1

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member of City Council CITY OF SUNNYVALE seat 4 Vote for One LARRY KLEIN	STEPHEN D. WILLIAMS	JOHN CORDES
CALIFORNIA	56030	11824	21.1%		6643	926	3437
US Representative, District 17	56030	11824	21.1%		6643	926	3437
State Senate, District 10	21	6	28.6%		5	0	0
State Senate, District 13	56009	11818	21.1%		6638	926	3437
State Assembly District 24	56009	11818	21.1%		6638	926	3437
State Assembly District 25	21	6	28.6%		5	0	0
State Board of Equal. District 2	56030	11824	21.1%		6643	926	3437
Supervisory District 3	26616	5143	19.3%		2538	443	1739
Supervisory District 5	29414	6681	22.7%		4105	483	1698
City of Sunnyvale	56030	11824	21.1%		6643	926	3437



PRE: Totals - Page 1

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member of City Council CITY OF SUNNYVALE Seat 4 Vote for One LARRY KLEIN	STEPHEN D. WILLIAMS	JOHN CORDES
CALIFORNIA	56030	1123	2.0%		641	52	393
US Representative, District 17	56030	1123	2.0%		641	52	393
State Senate, District 10	21	0	0.0%		0	0	0
State Senate, District 13	56009	1123	2.0%		641	52	393
State Assembly District 24	56009	1123	2.0%		641	52	393
State Assembly District 25	21	0	0.0%		0	0	0
State Board of Equal. District 2	56030	1123	2.0%		641	52	393
Supervisory District 3	26616	498	1.9%		248	25	198
Supervisory District 5	29414	625	2.1%		393	27	195
City of Sunnyvale	56030	1123	2.0%		641	52	393

1	City of Sunnyvale Member of City Council CITY OF SUNNYVALE seat 4
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		REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member of City Council CITY OF SUNNYVALE seat 4 Vote for One LARRY KLEIN STEPHEN D. WILLIAMS	JOHN CORDES	
PCT 4001	Precinct Reportin	1066	33	3.1%		13	1	17
	Vote by Mail Rep	1066	278	26.1%		101	17	126
PCT 4002	Precinct Reportin	2580	56	2.2%		25	1	28
	Vote by Mail Rep	2580	536	20.8%		177	33	272
PCT 4004	Precinct Reportin	669	25	3.7%		10	0	11
	Vote by Mail Rep	669	123	18.4%		49	9	53
PCT 4006	Precinct Reportin	1315	23	1.8%		8	1	12
	Vote by Mail Rep	1315	269	20.5%		117	36	93
PCT MAIL 4008	Precinct Reportin	21	0	0.0%		0	0	0
	Vote by Mail Rep	21	6	28.6%		5	0	0
PCT 4010	Precinct Reportin	2803	36	1.3%		16	4	16
	Vote by Mail Rep	2803	551	19.7%		271	58	179
PCT 4011	Precinct Reportin	1498	22	1.5%		9	2	10
	Vote by Mail Rep	1498	245	16.4%		116	25	85
PCT 4012	Precinct Reportin	759	7	0.9%		4	0	3
	Vote by Mail Rep	759	100	13.2%		46	11	34
PCT 4013	Precinct Reportin	950	27	2.8%		20	0	7
	Vote by Mail Rep	950	183	19.3%		96	14	57
PCT 4016	Precinct Reportin	2971	35	1.2%		21	0	13
PCT 4016	Vote by Mail Rep	2971	653	22.0%		382	50	182
PCT 4017	Precinct Reportin	1846	27	1.5%		20	1	6
	Vote by Mail Rep	1846	367	19.9%		203	41	99
PCT 4019	Precinct Reportin	2619	41	1.6%		21	1	16
	Vote by Mail Rep	2619	546	20.9%		300	37	172
PCT 4020	Precinct Reportin	1866	56	3.0%		37	4	10
	Vote by Mail Rep	1866	357	19.1%		213	26	91
PCT 4034	Precinct Reportin	2192	69	3.2%		38	4	26
	Vote by Mail Rep	2192	474	21.6%		271	26	133
PCT 4035	Precinct Reportin	2597	48	1.9%		24	0	22
	Vote by Mail Rep	2597	402	15.5%		203	40	127
PCT 4039	Precinct Reportin	2572	65	2.5%		42	1	21
	Vote by Mail Rep	2572	677	26.3%		448	34	163
PCT 4041	Precinct Reportin	2884	69	2.4%		49	2	18
	Vote by Mail Rep	2884	743	25.8%		488	68	151
PCT 4043	Precinct Reportin	3185	82	2.6%		55	1	25
	Vote by Mail Rep	3185	757	23.8%		513	45	162
PCT 4045	Precinct Reportin	1958	44	2.3%		18	3	22
	Vote by Mail Rep	1958	429	21.9%		259	26	108
PCT 4048	Precinct Reportin	2814	29	1.0%		11	3	13
	Vote by Mail Rep	2814	437	15.5%		198	38	158
PCT 4050	Precinct Reportin	1966	35	1.8%		20	3	11
PCT 4050	Vote by Mail Rep	1966	320	16.3%		150	40	104
PCT 4051	Precinct Reportin	1341	18	1.3%		13	2	3
	Vote by Mail Rep	1341	331	24.7%		186	18	104
PCT 4053	Precinct Reportin	2577	74	2.9%		47	9	17
	Vote by Mail Rep	2577	582	22.6%		362	36	141
PCT 4059	Precinct Reportin	1886	37	2.0%		16	1	16
	Vote by Mail Rep	1886	396	21.0%		237	30	108

1		City of Sunnyvale Member of City Council CITY OF SUNNYVALE seat 4						
		REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member of City Council CITY OF SUNNYVALE seat 4 Vote for One LARRY KLEIN	STEPHEN D. WILLIAMS	JOHN CORDES
PCT 4086	Precinct Reportin	1617	40	2.5%		24	0	15
	Vote by Mail Rep	1617	427	26.4%		269	28	113
PCT 4087	Precinct Reportin	2674	44	1.7%		27	4	12
	Vote by Mail Rep	2674	539	20.2%		324	57	129
PCT 4101	Precinct Reportin	1321	20	1.5%		14	1	5
	Vote by Mail Rep	1321	240	18.2%		123	21	74
PCT 4122	Precinct Reportin	1904	33	1.7%		21	2	10
	Vote by Mail Rep	1904	466	24.5%		301	35	113
PCT 4126	Precinct Reportin	1579	28	1.8%		18	1	8
	Vote by Mail Rep	1579	390	24.7%		235	25	106
GRAND TOTALS		56,030	12,947	23.1%		7,284	978	3,830

**Write-In Statement of Votes**  
**SANTA CLARA COUNTY**  
August 16, 2016 Special Municipal Election

**Member, Sunnyvale City Council, Seat 4**

	<b>JOHN CORDES</b>		<b>STEPHEN D. WILLIAMS</b>		<b>LARRY KLEIN</b>	
<b>Precinct</b>						
	<b>VBM</b>	<b>PCT</b>	<b>VBM</b>	<b>PCT</b>	<b>VBM</b>	<b>PCT</b>
4001	2	0	0	0	0	0
4002	6	0	0	0	0	0
4010	4	0	1	0	0	0
4012	1	0	0	0	0	0
4013	2	0	0	0	0	0
4016	2	0	0	0	0	0
4017	2	0	0	0	0	0
4020	0	0	0	0	2	0
4034	1	0	0	0	0	0
4039	1	0	0	0	0	0
4041	2	0	0	0	0	0
4043	3	0	0	0	0	0
4045	3	0	0	0	0	0
4048	6	0	0	0	0	0
4050	2	0	0	0	2	0
4051	2	0	0	0	0	0
4086	1	0	0	0	0	0
4087	2	0	1	0	0	0
4101	1	0	0	0	1	0
<b>TOTAL</b>	<b>43</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b>G-Total</b>	<b>43</b>		<b>2</b>		<b>5</b>	



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, September 13, 2016

5:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting-Closed Session-5 PM | Special Meeting-Study Session-6 PM | Regular  
Meeting-7 PM**

[16-0685](#)

Certification of Special Election Results of August 16, 2016 -  
Councilmember Seat Number 4 (Unexpired Term)

City Clerk Kathleen Franco Simmons provided the staff report.

Public Hearing opened at 7:07 p.m.

No speakers.

Public Hearing closed at 7:07 p.m.

MOTION: Vice Mayor Larsson moved and Councilmember Griffith seconded the motion to adopt the Resolution Reciting the Fact of the Special Municipal Election held August 16, 2016, Declaring the Results and such other matters as provided by law.

The motion carried by the following vote:

Yes: 6 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Martin-Milius  
Councilmember Meyering  
Councilmember Davis

No: 0



# City of Sunnyvale

## Agenda Item

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17-0668

Agenda Date: 9/26/2017

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### REPORT TO COUNCIL

#### SUBJECT

Direction on Potential Charter Amendments to Revise Sections 604 (Filling Vacancies in Council Seats) and 606 (Designation of Vice Mayor) (Study Issue)

#### REPORT IN BRIEF

At the January 10, 2017, Annual Public Hearing for Discussion of Potential Council Study Issues, Councilmember Klein sponsored a study issue to “close the loophole in the City Charter regarding special elections” relating to Council vacancies. All Councilmembers co-sponsored the study issue. At the February 17, 2017, *Study Issues and Budget Issues Workshop*, the Council ranked Study Issue OCM 17-02 (Evaluate Proposing a Charter Amendment to Revise Section 604 regarding Filling Vacant Council Seats by Special Election) number 1 for the Office of the City Manager.

The scope of the Charter Amendment Study Issue was also expanded at the request of staff to include a correction of a technical defect in Charter Section 606 regarding the designation of a Vice Mayor. An amendment is needed to bring this Charter section into conformity with the recent change in general municipal elections from odd-numbered years to even-numbered years.

This report provides information regarding the charter amendment process and the options for the Council to determine proposed amendments to submit to the voters. The study of Charter section 604 evaluates the current requirements of the Charter regarding the filling of a Council vacancy and outlines possible options for revising that section to provide fiscally responsible alternatives for filling vacancies.

#### BACKGROUND

Sunnyvale City Charter Section 604 provides requirements for filling a vacancy in the City Council. When an unscheduled vacancy occurs on Council, the vacancy must be filled by holding a special election. Under very limited circumstances, the Council may fill an unexpired term by appointment. When the special election cannot be consolidated with a General Municipal Election, the City must conduct a “stand-alone” special election.

On April 4, 2016, a member of the City Council resigned prior to the end of his term. Due to the provisions of Charter Section 604, and the timing of the resignation, there was no other option for the Council than to call a special election to fill the vacancy for the unexpired term of approximately nine months. The special election was conducted as a “stand-alone” election on August 16, 2016, resulting in a partial term served of less than four months. The mandated special election in August had to be held on a date when no other city or regional elections were scheduled to be held, therefore, the City of Sunnyvale was responsible for the full cost of the election. Excluding internal administrative costs, the special election cost the City approximately \$800,000. A regular General Municipal Election would typically cost in the range of \$300,000 to \$400,000 in total, with the cost for

each Council seat ranging from \$33,040 to \$53,383 based on the two most recent General Municipal Elections.

### **EXISTING POLICY**

Charter Section 604. Vacancies.

Except as otherwise provided herein, in the event of a vacancy in the City Council, from whatever cause arising, within thirty days of the commencement of any vacancy the City Council shall officially declare the seat vacant and call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death or other involuntary removal of a member, pursuant to Article II, Section 4, of the Constitution of the State of California, where the unexpired term of the deceased or removed member does not exceed one hundred eighty days, the City Council shall, within sixty days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the sixty-day period, it shall treat such vacancy in the same manner as one created by a cause other than death or involuntary removal.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty days from the date the Council declares the vacancy to exist except that no election shall be held on the day before, day of, or day after a state holiday. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until his/her successor is elected and qualified.

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty days consecutively from and after that last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale or ceases to maintain his/her principal place of residence within the City limits during his/her term of office.

Charter Section 606. 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 absence or disability.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **DISCUSSION**

## 1. Brief History of Charter provisions and election history relating to Council Vacancies

Charter Amendments relating to Council Vacancies were approved by the voters and effective December 31, 1975, December 21, 1976, December 23, 1982, and January 17, 1992.

**1968 City Charter:** allowed appointment for an unexpired term, or by election if the Council failed to fill the vacancy by appointment within 30 days:

**Section 703. Vacancies:** "A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council and the person appointed shall hold office for the unexpired term of the former incumbent. In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

**1975 voter-led initiative petition:** This petition changed the vacancy process to require vacancies to be filled by election, except in the case of a death resulting in an unexpired term of six months or less:

"PROPOSITION D. Shall the Sunnyvale Charter be amended in the following ways: to limit Councilmembers to two successive elective four-year terms in addition to a period of up to two years that may be served in filling a vacancy; to require vacancies on the Council to be filled by election, except that the Council could fill a vacancy created by death where the unexpired term is six months or less; to specify conditions under which vacancies on the City Council shall occur?"

The genesis of this initiative appears to be a large number of vacancies and appointments at a single time, as the proponents of Proposition D provided the following argument:

*"As of April 1975, four of the seven Council Members were originally appointed to the City Council. Elected, rather than appointed, Council Members are more responsive to the electorate. Filling vacancies by election, instead of appointment, will return the selection of Council Members to the people, where it properly belongs."*

Cost was raised as a major concern in the argument against Proposition D:

*"Limiting the terms of the terms of Councilmen will take away the right of voters to decide whether or not to re-elect incumbents. Requiring special elections to fill Council vacancies will cost taxpayers \$25,000 each election at a time when soaring inflation calls for trimming city expenditures. More than 400 California General Law Cities fill their Council vacancies by appointment. Why does Sunnyvale have to be different?"*

Proposition D was approved by the voters on November 4, 1975 with 51% voting yes. (Yes - 6,788; No - 6,455).

**1976 Charter reorganization:** A Council-sponsored initiative, Measure A, was approved by the voters to amend the Charter to rearrange the Sections of Articles VI, VII and VIII..., and other actions (Resolution 351-76; Yes - 25,937; No - 7,735). This resulted in recodifying Council Vacancies from Section 703 to Section 604. (Resolution No. 351-76; Yes - 22,520; No - 10,248).

**1982 Amendment-Council Residency:** Charter Section 604 was amended by the voters to include language requiring City Councilmembers to "maintain their principal place of residence within the City during their term of office." (Resolution No. 297-82; Yes - 24,809, No - 7,163).



**1991 Amendment-Vacancies following Involuntary Removal:** Charter Section 604 was amended by the voters to include language to provide that “vacancies on the City Council shall be officially declared as such within thirty days of the commencement of the vacancy, that vacancies created by the involuntary removal of a Councilmember may be filled by appointment, and that no election shall be held the day before, day of, or day after a state holiday.” (Resolution No. 202-91; Yes - 10,435; No - 4,769).

**Vacancy Election History:** Four special elections to fill unscheduled vacancies in Council have been held on March 12, 1985, November 8, 1988, January 22, 1991, and August 16, 2016 (Resolution Nos 123-85, 222-88, 106-91, 829-16).

## **2. Summary and Discussion of the current requirements for filling of a Council Vacancy under Charter section 604:**

Charter Section 604 “Vacancies” requires that within 30 days of the commencement of any vacancy:

- City Council shall officially declare the seat vacant, *and*
- Call a Special Municipal Election to fill the *unexpired term*.
  - The Special Municipal Election shall be held within 120 days from the date the Council declares the vacancy, *and*
  - The Special Municipal Election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within 180 days from the date that the vacancy is declared.

The only exception to that process is that Council may appoint someone to a vacant position when:

- The vacancy was created by death or other involuntary removal of a member pursuant to California Constitution, Article II, Section 4; and
- The unexpired term does not exceed 180 days.
  - If these conditions are met, the City Council shall, within 60 days after such office has been declared vacant, fill such vacancy by appointment, *otherwise*;
  - If the City Council fails to fill the vacancy within the 60-day period, it shall treat the vacancy in the same manner as one created by a cause other than death or involuntary removal. (i.e., by Special Election)

Although the Charter provides that a “Special Municipal Election shall be consolidated with a General Municipal or Statewide Election if a Municipal or Statewide Election is scheduled within 180 days from the date that the vacancy is declared”, the California Elections Code modifies that date range in provisions requiring a nomination period which opens 113 days and closes 88 days before the elections (Election Code Sections 10220 and 10407). The Charter requirement for filling vacancies by special election, combined with the layer of Election Code requirements, results in smaller “windows” of time during which a vacancy could occur and the special election could be consolidated with a Statewide or General Municipal Election.

A vacancy would have to occur within a 56-day or a 138-day window totaling about **194 days** within a two-year election cycle to be consolidated with either the Statewide or General Municipal Election. In other words, under the current Charter Section 604 language, in a two-year election cycle, a vacancy that occurs outside those windows, about **536 days**, cannot be consolidated with a Statewide or

General Municipal Election.

### **3. Options for Amending Charter Section 604 to Minimize Potential Special Election Costs While Balancing the Public Interest in Directly Electing Council Members**

As a charter city, Sunnyvale must conduct elections in the manner prescribed in its City Charter. However, state law and other city charters provide examples and options filling council vacancies. These options fall into three broad categories, discussed in more detail below:

- a. Fill vacancy by special election (Sunnyvale's current approach)
- b. Fill vacancy by appointment.
- c. Choice by Council to fill vacancy by appointment or call special election.

Where the council fills by appointment (options (b) and (c) above), common requirements include:

- appointments must be made by a majority of the full council
- appointment is effective only until the next general or special election, with member elected serving the remainder of the unexpired term.

California Government Code Section 36512 authorizes General Law cities to either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. However, Section 36512 also authorizes General Law cities to enact an ordinance to allow for certain variations, including Section 36512(c)(3) which provides "that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election."

A survey of other cities in the region finds most are using variations on the theme of California Government Code Sections 36512 and 36512(c)(3), allowing for Council to fill a vacancy either by appointment or by special election:

- Campbell - State law:
  - Vacancy filled as set forth in California Government Code Section 36512;
- Cupertino - Council option to appoint or set special election
  - Council *at its option* may either fill the vacancy for the unexpired term by appointment or call a special election, or may appoint to hold office only until the date of a special election to fill the remainder of the unexpired term;
- East Palo Alto - Appointment
  - Council fills vacancy for unexpired term by appointment only;
- Gilroy - Appointment until next general election
  - Council fills vacancy by appointment, to hold office until the next general municipal election; successor elected serves remainder of unexpired term;
- Milpitas - Appointment until next regularly scheduled election
  - Council fills vacancy by appointment, to hold office only until the date of a special election which shall be immediately called to fill the remainder of the vacant term; the special election date will be the date of the next regularly scheduled election to be held throughout the City;
- Morgan Hill - Appointment until next regularly scheduled election

- Council fills vacancy by appointment, to hold office only until the date of a special election to fill the remainder of the term; the special election may be held on the date of the next regularly scheduled municipal election;
- Mountain View - Appointment until next general election
  - Council fills vacancy *either* by appointment or calls a special election; if filled by appointment, the person appointed holds office until the next general municipal election, and the elected successor serves for the remainder of unexpired term;
- Palo Alto - Appointment until next general election
  - Council majority fills vacancy by appointment, to hold office until the next election at which council members are to be elected, at which a council member shall be elected to serve for the unexpired term;
- San Jose - Council option to appoint or set special election
  - Council fills vacancy *either* by appointment by majority of Council or by election; if filled by appointment, it is effective until end of unexpired term, or January 1<sup>st</sup> following the next Regular Municipal Election, whichever first occurs; if filled by election, it is for the entire unexpired term; San Jose also has a provision for an interim appointment to fill the office until a candidate has been duly elected;
- Santa Clara - Appointment
  - Council fills vacancy by appointment; if not filled within 30 days, an election is called; person appointed or elected holds office for the unexpired term.

#### **4. Analysis of Charter Section 606 Issue- Designation of Vice Mayor**

In January 2017, the scope of the Charter Amendment Study Issue was expanded at the request of staff to include a correction of a technical defect in Charter Section 606 regarding the designation of a Vice Mayor. An amendment is needed to bring this Charter section into conformity with the change in general municipal elections from odd-numbered years to even-numbered years.

Presently, Charter Section 606 reads:

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 absence or disability.

On November 5, 2013, the voters approved a charter amendment to change the regular General Municipal Elections from odd-numbered years to even-numbered years. Prior to that time, during odd-number year elections, the Section 606 text above meant that the Vice Mayor would be selected in January in an even-numbered year following the odd-year election, and in January of an odd-numbered year, or, in other words every year in January for a one-year term. With the change from odd-year to even-year elections, the above text may be erroneously interpreted to state redundantly that the Vice Mayor is selected in January in odd-numbered years only. The voters in 2013 did not vote to change the term of the Vice Mayor.

To resolve this oversight, staff recommends the phrase “in January in odd-numbered years” be corrected to “in January every year.” This would retain the original intent of the Charter to provide for a one-year term for Vice Mayor rather than the unintended change of the meaning of this text to provide that the designation of a Vice Mayor occurs only in odd-numbered years.

## **5. Options for Charter Amendment Process**

California Elections Code Section 9255 provides that a charter amendment may be proposed by one of the following methods:

- a) a charter commission, which may be either elected or appointed by the City Council;
- b) by the City Council on its own motion;
- c) by a petition signed by 15 percent of the registered voters of the City.

In addition to the methods provided for in the California Elections Code, the Sunnyvale City Council may appoint an ad hoc Charter Review Committee to assist the Council in reviewing the Charter and to make recommendations to the Council on what Charter amendments to place on the ballot. This ad hoc Charter Review Committee would not have the legal status or authority of a Charter Review Commission and would serve as an advisory body to the City Council. Charter amendments have been placed on the ballot by all three methods over the years. Most recently, for example, the Council proposed an amendment to change elections from odd to even numbered years on its own motion. More comprehensive reviews of multiple charter issues have been handled by committees.

<b>Recent Charter Amendments and <i>ad hoc</i> Charter Review Committees in Sunnyvale</b>	
1967	City Council appointed a citizen Charter Study Committee comprised of 35 registered Sunnyvale voters; each Councilmember submitted the names of five registered voters
1976	City Council appointed a Charter Study Committee comprised of 21 members; each Councilmember submitted the names of three voters
1982	City Council appointed a 15-member Charter Review Committee, with each Councilmember nominating two members and the 15 <sup>th</sup> member selected by the entire Council, for a comprehensive charter review
2006	City Council created an ad hoc Charter Review Committee comprised of 15 members for a comprehensive charter review; each Council member appointed two committee members, with the last member appointed by the Mayor and confirmed by Council
2010	City Council created an 11-member ad hoc Charter Review Committee to review two charter amendment proposals and make recommendations to the Council on issues including change to a directly-elected mayor, and council compensation
2013	City Council, on its own motion proposed a charter amendment to change from odd-year to even-year elections.

Council must take action in summer 2018 to place a measure on the November 2018 ballot to submit a Charter Amendment to the voters. Therefore, ideally before June 2018, Council should provide direction on whether to propose amendments to Charter Sections 604 and, and what the substance of those proposed amendments should be.

## **6. Decision Points and Next Steps**

Staff has framed the following alternatives for the Council

**Alternative 1- Direction to Staff:** Provide direction to staff on the Council's preferred method proposal for filling council vacancies and to draft amendments to Charter sections 604 and/or 606 for consideration by Council and;

- a) Return to Council with draft alternatives for selection prior to June 2018;
- b) Return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.

**Alternative 2- Charter Review Committee:**

- c) Create an ad hoc Charter Review Committee to analyze and propose alternatives for amending Charter sections 604 and 606, and provide direction on the structure and scope of that commission;
- d) Direct staff to return to Council with draft alternatives for selection prior to June 2018;
- e) Direct staff to return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.

**Alternative 3:** Provide other direction related to Alternatives 1 or 2.

**Alternative 4:** Do not proceed with preparations for Charter Amendments to revise Charter Sections 604 and 606.

**FISCAL IMPACT**

If the Council chooses to provide direction to staff to prepare council-initiated charter amendments, staff time and costs will be minimal. The main cost will be to put the measure(s) on the ballot, estimated at \$75,000 per measure for the general election in 2018. If directed, staff will include the costs for the charter amendments in the FY 2018/19 Recommended Budget.

The total costs from the 2006 Ad Hoc Charter Review Committee were \$34,308. The costs for the 2010-2011 Ad Hoc Charter Review Committee included \$375 for recruitment advertising. Internal staff costs were included in the FY 2010/11 Budget and no staff overtime was required. If Council chooses to appoint a committee to review these issues, the costs for a 2017-2018 Ad Hoc Charter Review Committee will include recruitment advertising and internal staff costs. Although the work may potentially require staff overtime the cost can be absorbed within the FY 2017/18 Operating Budget for the City Manager's office through vacancy savings.

The cost of Alternative 4, make no changes in the Charter, presents a continuing potential for the necessity of calling a "stand-alone" special election whenever an unscheduled vacancy on Council occurs from whatever cause arising, except when created by the death or other involuntary removal of a member and the unexpired term does not exceed one hundred eighty days. The most recent estimate of the cost of a stand-alone special election ranged from approximately \$740,000 to \$1.3 million. The actual cost of the August 16, 2016 special election was \$799,742.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**ALTERNATIVES**

1. Provide direction to staff on the Council's preferred method for filling council vacancies and to draft amendments to Charter sections 604 and/or 606 for consideration by Council and;
  - a) Return to Council with draft alternatives for selection prior to June 2018;
  - b) Return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.
2. Create an ad hoc Charter Review Committee to analyze and propose alternatives for amending Charter sections 604 and 606, and provide direction on the structure and scope of that commission;
  - a) Direct staff to return to Council with draft alternatives for selection prior to June 2018;
  - b) Direct staff to return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.
3. Provide other direction related to Alternatives 1 or 2.
4. Do not proceed with preparations for a Charter Amendments to revise Charter Sections 604 and 606.

**STAFF RECOMMENDATION**

Staff makes no recommendation.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: John A. Nagel, City Attorney

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Study Issue Paper: OCM 17-02 Evaluate Proposing a Charter Amendment to Revise Section 604 regarding Filling Vacant Council Seats by Special Election
2. California Government Code Section 36512
3. Sample Ballot & Voter Information Pamphlet, November 4, 1975
4. Samples from other cities



# City of Sunnyvale

## Agenda Item

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**17-0104**
**Agenda Date: 2/17/2017**


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### 2017 COUNCIL STUDY ISSUE

#### **NUMBER**

OCM 17-02

**TITLE** Evaluate Proposing a Charter Amendment to Revise Section 604 regarding Filling Vacant Council Seats by Special Election

#### **BACKGROUND**

**Lead Department:** Office of the City Manager

Support Department(s): Office of the City Attorney, Finance

#### **Sponsor(s):**

Councilmembers: Klein, Griffith, Melton, Larsson, Goldman, Smith, Hendricks

#### **History:**

1 year ago: N/A

2 years ago: N/A

#### **SCOPE OF THE STUDY**

##### **What are the key elements of the study?**

Sunnyvale City Charter Section 604 provides requirements for filling a vacancy in the City Council. When an unscheduled vacancy occurs on Council, the vacancy must be filled by holding a special election. When the special election cannot be consolidated with a general municipal election, the City must conduct a “stand-alone” or special election at significant cost. Under only very limited circumstances, the Council may fill an unexpired term by a City Council appointment.

During the Council discussion regarding sponsorship of the Study Issue, Council discussed whether the Charter amendment process would include the formation of Charter Review Committee made up of Sunnyvale residents as is the traditional practice in the City.

This study will provide details about the three methods by which a charter amendment may be proposed (by the Council on its own motion, by initiative petition, and by elected or appointed charter commission) and whether the Council wishes to form a charter review committee to advise the Council on amendments to the Charter. The study would provide an evaluation of the current requirements of the charter regarding the filling of a Council vacancy and the shortcomings of the limited options as written that can result in costly special elections. The study will explore several possible solutions for revising language in Charter Section 604, to provide less costly options for filling vacancies. The study will present information that will inform Council to provide direction on how to proceed with proposing a charter amendment and will include an assessment of the cost of implementation of the results.

Though not discussed by Council, staff wishes to advise Council to consider expanding the scope of this Study Issue to include a technical amendment to Charter Section 606 regarding the designation of a Vice Mayor to bring this Charter section into conformity with the change in general municipal elections from odd-numbered years to even-numbered years. Presently, Charter Section 606 reads:

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 absence or disability. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995 and November 28, 2007: previously Section 705)

The Charter section would be redrafted to change “in January in odd-numbered years” to read “in January in even-numbered years.” This would retain the original intent of the Charter to provide for a one-year term for Vice Mayor rather than the unintended change of the meaning of this text to provide that the designation of a Vice Mayor occurs only in odd-numbered years.

#### **What precipitated this study?**

On April 4, 2016, a member of the City Council resigned his seat prior to the end of his term. Due to the provisions of Charter Section 604, and the particular timing of this resignation, there was no other option for the Council than to call a special election to fill the vacancy for the remaining partial term of three-and-a-half months. The special election had to take place as a “stand-alone” election on August 16, 2016 when no other elections were to be held; therefore, the City of Sunnyvale was responsible for the full cost of the election. Aside from internal administrative costs, the special election cost the City approximately \$800,000. A regular, general municipal election would typically cost in the range of \$300,000 to \$400,000.

**Planned Completion Year:** June 2018

#### **FISCAL IMPACT**

##### **Cost to Conduct Study**

Level of staff effort required (opportunity cost): Minor

Amount of funding above current budget required: \$0

##### **Cost to Implement Study Results**

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Potential costs of implementing study may include costs of forming a Charter Review Committee, conducting public meetings, advertising, outreach, and election costs for a ballot measure.

#### **EXPECTED PARTICIPATION IN THE PROCESS**

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

#### **STAFF RECOMMENDATION**



**Position:** Support

**Explanation:** Staff recommends pursuing a proposal for a charter amendment to Charter Section 604 to clarify language and/or provide alternatives for filling a vacant City Council Seat and expand the scope of the Study Issue to include an amendment to Charter Section 606 regarding the designation of a Vice Mayor to bring this Charter section into conformity with the change in general municipal elections from odd-numbered years to even-numbered years.

Prepared By: Kathleen Franco Simmons, City Clerk

Reviewed By: John A. Nagel, City Attorney

Reviewed By: Walter C. Rossmann, Assistant City Manager

Approved By: Deanna J. Santana, City Manager

**State of California**

**GOVERNMENT CODE**

**Section 36512**

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36512. (a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy.

(1) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(A) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(B) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to Section 34902. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to Section 34902 when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

(e) (1) If the city council of a city that elects city council members by or from districts elects to fill a vacancy on the city council by appointment as a result of a city council member resigning from office, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor. A city council member shall not cast a vote for a family member or any other person with whom the city council member has a relationship that may create a potential conflict of interest.

(2) If a city council member elects to cast a vote under this subdivision, the city council member shall be prohibited from the following actions for a period of two years after the appointment of a successor:

(A) Advocating on any measure or issue coming before the city council in which the city council member may have a personal benefit.

(B) Entering into a contract of any kind with the city or a city vendor.

(C) Accepting a position of employment with the city or a city vendor.

(D) Applying for a permit that is subject to the approval of the city council.

(3) This subdivision shall not apply to any city council member who is resigning from the city council due to charges of, or conviction for, corruption or criminal behavior, or who is subject to a recall election.

(Amended by Stats. 2015, Ch. 185, Sec. 1. (AB 952) Effective January 1, 2016.)

# ATTACHMENT 3

SAMPLE BALLOT

BALOTA DE MUESTRA

and VOTER  
INFORMATION  
PAMPHLET

y PANFLETO DE  
INFORMACION PARA  
LOS VOTANTES

CITY OF SUNNYVALE  
SPECIAL MUNICIPAL ELECTION  
TUESDAY, NOVEMBER 4, 1975.

CIUDAD DE SUNNYVALE  
ELECCTON MUNICIPAL ESPECIAL  
Martes, 4 de noviembre de 1975

FULL TEXT OF PROPOSED AMENDMENTS  
TO THE CHARTER OF THE CITY OF  
SUNNYVALE, CALIFORNIA  
PROPOSITIONS A AND D  
TOGETHER WITH  
ARGUMENTS CONCERNING  
PROPOSITIONS B AND C

SPECIAL MUNICIPAL ELECTION  
NOVEMBER 4, 1975

ARGUMENTS IN SUPPORT OR OPPOSITION OF THE  
PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS

TEXTO COMPLETO DE LAS ENMIENDAS PROPUESTAS EN  
LA CARTA CONSTITUCIONAL DE LA CIUDAD DE  
SUNNYVALE, CALIFORNIA  
PROPOSICIONES A y D  
JUNTO CON ARGUMENTOS REFERENTES A LAS  
PROPOSICIONES B y C  
ELECCION MUNICIPAL ESPECIAL  
4 de noviembre de 1975

LOS ARGUMENTS EN FAVOR O EN CONTRA DE LAS  
LEYES PROPUESTAS SON LAS OPINIONES DE LOS AUTORES.

APPLICATION FOR ABSENT VOTER BALLOT IS ON BACK COVER

LA SOLICITUD PARA LA BALOTA DE LOS VOTANTES  
AUSENTES ESTA AL FINAL.

## CITY OF SUNNYVALE APPLICATION FOR ABSENT VOTER'S BALLOT for the Special Municipal Election, November 4, 1975

I, \_\_\_\_\_, (Print Name) \_\_\_\_\_, am a registered voter at the following address in

Santa Clara County: \_\_\_\_\_ (Number and Street) \_\_\_\_\_ (City) \_\_\_\_\_ (Zip Code)

Complete this section if you have moved and now reside at an address other than that shown on  
your affidavit of registration.

I moved on \_\_\_\_\_ (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) to the following residence address:

(No.) \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

NOTE: If you have moved prior to Oct. 5, 1975 you must reregister before you can obtain an absentee ballot. (A voter moving within this county or to another County within 30 days prior to this election, may obtain an absentee ballot. A voter moving within this county or to another County over 30 days prior to the election and who has not registered prior to the closing date for this election is not eligible to vote.)

- Check one:
- ☐ I reside in a precinct for which no polling place has been established.
  - ☐ I expect to be absent from my election precinct.
  - ☐ Because of physical disability, I will be unable to vote in my election precinct.
  - ☐ I reside within a precinct which is owned or controlled by the United States.
  - ☐ Because of the tenets of my religion, I will be unable to vote in my election precinct.
  - ☐ I reside more than ten miles from my nearest polling place.

I am therefore making application for an absentee ballot for the forthcoming election.  
Mail ballot to me at:

(No.) \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

Dated \_\_\_\_\_, 19\_\_\_\_

(Signature as registered—DO NOT PRINT)

APPLICATION MUST BE RECEIVED IN THE OFFICE OF THE CITY CLERK, P.O. BOX 607, SUNNYVALE,  
CALIFORNIA 94088 NO LATER THAN 5 P.M., TUESDAY, OCTOBER 28, 1975.



**MARK CROSSES (+) ON BALLOT  
ONLY WITH RUBBER STAMP  
NEVER WITH PEN OR PENCIL**

**(ABSENTEE BALLOTS MAY BE MARKED  
WITH PEN AND INK OR PENCIL)**

**(Fold ballot to this perforated line,  
leaving top margin exposed.)**

# **OFFICIAL BALLOT SPECIAL MUNICIPAL ELECTION**

**CITY OF SUNNYVALE  
TUESDAY, NOVEMBER 4, 1975**

## **INSTRUCTIONS TO VOTERS:**

To vote on any measure stamp a cross (+) in the voting square after the word "YES" or after the word "NO."

All marks, except the cross (+) are forbidden.

All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

## **SAMPLE BALLOT**

### **MEASURES SUBMITTED TO VOTE OF VOTERS**

<p><b>"PROPOSITION A. Shall Secion 700 and Section 1400 of the Charter be amended so as to make possible the consolidation of the General Municipal Election with the Election for Governing Board Members of Elementary School Districts?"</b></p>	YES SI	
	NO	
<p><b>"PROPOSITION B. Do you desire the City Council to add to the tax rate an additional Eight Cents (\$0.08) per One Hundred Dollars (\$100) of assessed value of taxable property in the City of Sunnyvale, to be effective in said City commencing with taxable year 1976-1977 and continuing through taxable year 1980-1981 for the purpose of acquiring, improving and maintaining open space lands within the City of Sunnyvale?"</b></p>	YES SI	
	NO	
<p><b>"PROPOSITION C. Do you desire the Council to add to the tax rate an additional Eleven and three-tenths Cents (\$0.113) per One Hundred Dollars (\$100) of assessed value of taxable property in the City of Sunnyvale, to be effective in said City commencing with taxable year 1976-1977 and continuing through taxable year 1982-1983 for the purpose of establishing and operating an emergency medical treatment system in the City of Sunnyvale?"</b></p>	YES SI	
	NO	
<p><b>"PROPOSITION D. Shall the Sunnyvale Charter be amended in the following ways: to limit Councilmembers to two successive elective four-year terms in addition to a period of up to two years that may be served in filling a vacancy; to require vacancies on the Council to be filled by election, except that the Council could fill a vacancy created by death where the unexpired term is six months or less; to specify conditions under which vacancies on the City Council shall occur; to require newspaper publication of agenda items and minutes, or a digest thereof, of the regular and special meetings of the Council; to limit members of boards and commissions to one four-year term in addition to a period of up to two years that may be served in filling a vacancy; to provide for the consolidation of the General Municipal Election with school district elections; and to require all references to gender to appear in both the masculine and feminine form?"</b></p>	YES SI	
	NO	

**PROPOSITION "A"**  
**ANALYSIS BY CITY ATTORNEY**

Proposition "A" deals with consolidation of elections. This analysis contemplates that the reader will have consulted the text of the proposed change in the voter pamphlet.

*Existing:* Under the Charter as it exists, the General Municipal Election for the filling of Council seats is set specifically as the "second Tuesday in April in each odd numbered year" (Section 1400), and the terms of council members begin and end following such elections on a specific day, namely, "the third Tuesday of April" (Section 700). School District elections presently are held on the first Tuesday after the first Monday in March in odd numbered years, a date which is subject to change from time to time by the Legislature. The existing Charter does not prevent consolidation of elections upon agreement of the City and School District governing bodies, although such consolidation has not occurred in the past.

*Proposed:* The proposed amendments would establish the date for holding the General Municipal Election as that date established under State law for holding the election for governing board members of elementary school districts, and would provide that the terms of councilmembers begin and end on the Tuesday following such election.

The proposed amendments would permit consolidation of City and School District elections upon the consent of the governing bodies of the City and the School Districts as required under State law. Where consolidation occurs, savings in election costs would be realized.

*Sections Amended:* 700 and 1400.

A "YES" vote on Proposition "A" will amend the Charter in the ways described above. A "NO" vote will retain the existing language of the Charter.

JAMES A. HILDEBRAND  
City Attorney

**BALLOT MEASURE A**  
**BALLOT ARGUMENT**  
**IN SUPPORT OF CONSOLIDATION OF ELECTIONS**

Consolidating municipal elections with school elections will *CUT COSTS* of local government. The same election officials and polling places can be used for all elections.

By cutting down on the number of elections, the voter is better served. Fewer elections will be more convenient to voters and allow greater emphasis on issues.

Better representation on all issues will be achieved because a greater number of voters will turn out when elections are combined. A better turnout serves the public well and gives stronger direction to the processes of government.

**VOTE YES ON MEASURE A TO CONSOLIDATE ELECTIONS TO IMPROVE REPRESENTATION, SAVE MONEY AND TIME FOR THE VOTER.**

The undersigned author of the primary argument in favor of ballot proposition A at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Donald S. Logan  
SUA1

**CON ARGUMENT TO PROPOSITION "A"**

In the words of Sunnyvale's City Attorney, addressed to the Council in July 1975, Proposition "A" would provide the following:

"The wording of proposed Section 700 would permit future Councils to consolidate the General Municipal Election with school district elections, but would not require them to consolidate. The two elections would only be required to be held on the same date. In a consolidated election, two or more entities conduct their elections not only on the same date, but also use the same ballots, precincts, polling places and election officers. Actual consolidation of elections, as opposed to merely holding them on the same date, would require consent of the City Council and of the governing board of each school district affected."

True and mandatory consolidation of elections, as provided for in Proposition "D", would save the taxpayers of both the City and the affected school districts thousands of dollars every two years.

The magnitude of this savings to the taxpayers of Sunnyvale was recently computed by the Registrar of Voters of Santa Clara County. After indicating his figures can only be approximations on the basis of present registration, he stated that the overall savings to the City of Sunnyvale would be between 66 and 73 per cent.

Since Proposition "A" *does not* provide for true consolidation of elections as defined in Section 23300 and following of the Elections Code, the tremendous money savings to taxpayers which are possible are left to the whim of future Councils.

Aside from monetary considerations, true consolidation would encourage greater voter participation, while merely holding the election on the same date could discourage voters, since they could be required to go to two separate polling places on the same day. Ballots, polling places and officers could be duplicated.

We urge NO on Proposition "A".

The undersigned authors of the primary argument in favor of ballot proposition A at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

/s/ Gregory K. Morris  
Council Member

Dated: September 15, 1975

/s/Lawrence E. Stone  
Council Member

**BALLOT MEASURE B**  
**BALLOT ARGUMENT IN SUPPORT OF OPEN SPACE MEASURE**

Passage of Measure B will enable the City to acquire undeveloped properties in order to preserve open space. Much of what open space is left, if not acquired, soon will be developed into high-density residential structures.

Vote "YES" on Measure B because at the current rate of development of residential land, all open space will be gone within two to three years.

Vote "YES" on Measure B to preserve the remaining orchard lands in Sunnyvale. The orchards made this area famous and are part of the history and tradition of Sunnyvale.

Vote "YES" on Measure B to save open space in the City for all citizens.

SUA2



Vote "YES" on Measure B to reduce population density and improve the overall quality of living in Sunnyvale.

Your City Council proposed Measure B to reflect citizen concern for open space and lower population density. The only practical way to save open space now is to purchase it.

The cost is small for value received. For example: On a private home valued at \$40,000 the cost would be \$8 per year.

The undersigned author of the primary argument in favor of ballot proposition B at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Lawrence E. Stone

## **NO ARGUMENT AGAINST MEASURE B WAS SUBMITTED**

### **BALLOT MEASURE C BALLOT ARGUMENT**

#### **IN SUPPORT OF EMERGENCY MEDICAL SERVICES SYSTEM**

An Emergency Medical System includes the detection of medical emergencies, prompt arrival of trained medical technicians on the scene, stabilization of the patient's condition, and rendering advanced medical treatment enroute to the receiving medical facility. Such a system includes advanced and continual training for emergency medical personnel.

All cities have a responsibility for protecting the health and well-being of their citizens; yet it has been estimated that 60,000 die needlessly each year who could have been saved by prompt and effective care from an Emergency Medical Services system.

Statistics show that for the average city the size of Sunnyvale, approximately 500 heart attacks will occur in a year: of these, 293 will result in death and 41% will survive. This measure would lower the mortality rate among persons suffering heart attacks and serious injuries.

Financial impact: cost on a \$40,000 house would be \$11.30 per year.

The undersigned author of the primary argument in favor of ballot proposition C at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Charley C. Allen

## **NO ARGUMENT AGAINST MEASURE C WAS SUBMITTED**

### **PROPOSITION "D" ANALYSIS BY CITY ATTORNEY**

Proposition "D" would effect seven changes in the Charter. Each change is described below under its respective heading, along with the existing Charter provision on the same subject. This analysis contemplates that the reader will have consulted the text of the proposed changes in the voter pamphlet.

SUB1

## **COUNCILMEMBER TERMS.**

Existing: No limit.

Proposed: Councilmembers limited to two successive elective four-year terms in addition to a period of up to two years that may be served in filling a vacancy.

Section Amended: 700.

## **FILLING COUNCIL VACANCIES.**

Existing: Vacancies filled by appointment by the Council within 30 days; thereafter by election.

Proposed: By special election, except that the Council could fill vacancies created by death where the unexpired term is six months or less. Cost of such elections would vary.

Section Amended: 703.

## **HOW COUNCIL VACANCIES OCCUR.**

Existing: General law determines.

Proposed: Would be specified in Section 703 of the Charter as in addition to any other cause: unexcused absences from regular Council meetings over a sixty day period; conviction of a crime involving moral turpitude; ceasing to be an elector in the City of Sunnyvale.

## **PUBLICATION OF AGENDAS AND COUNCIL ACTIONS.**

Existing: No requirement.

Proposed: City Clerk to publish in a City newspaper of general circulation significant items listed on the agenda for regular or special Council meetings, the minutes of such meetings or extracts therefrom, and to place two packets of supporting materials for such agendas in the library. Cost to City would vary depending on agenda size.

Section Amended: 712.

## **BOARD AND COMMISSION MEMBER TERMS.**

Existing: No limit.

Proposed: Board and commission members limited to one four year term plus up to two years that may have been served in filling a prior vacancy.

Section Amended: 1002.

## **CONSOLIDATION OF ELECTIONS.**

Existing: Section 1400 specifies a given date in April of odd numbered years for City elections. State law currently specifies a date in March for School District elections.

Proposed: Would require consolidation of City and School District elections on the date in odd numbered years in which School District elections are held, provided the governing boards of School Districts with which the election is to be consolidated consent. Under State law, consolidation cannot occur without such consent. A specific date in March of odd numbered years would be preserved for City elections should School District elections be held in even numbered years. Where consolidation occurs, savings in election costs would be realized.

Sections Amended: 700 and 1400.

## **GENDER.**

Existing: Section 1800(c) states that masculine gender includes feminine and

SUC1

neuter. The masculine gender is utilized when referring to persons.

Proposed: Substitutes "he/she", "him/her" designations wherever the masculine gender now appears. Any reference to "man" as a suffix indicative of gender would be replaced by either "member" or "person."

Section Amended: Any section where reference to gender now occurs.

A "YES" vote on Proposition "D" will amend the Charter in each of the ways described above.

A "NO" vote will retain the existing language of the Charter.

JAMES A. HILDEBRAND

City Attorney

## BALLOT MEASURE D

### PRO ARGUMENT TO PROPOSITION "D"

The disadvantages of long-term incumbency are clear. Entrenchment of views can deprive our city of fresh, innovative ideas. Service together over a long period can result in bloc voting and rigid control over city business. Long-term incumbents tend to lose touch with the citizens they represent; become less receptive to the true and changing needs and desires of the community.

As of April 1975, four of the seven Council Members were originally appointed to the City Council. Elected, rather than appointed, Council Members are more responsive to the electorate. Filling vacancies by election, instead of appointment, will return the selection of Council Members to the people, where it properly belongs.

Open and accountable government requires participation by as many citizens as possible. Limiting terms on Boards and Commissions to one, four-year term will allow many more citizens to serve, and encourage active, independent citizen involvement in the affairs of our city.

Similar to the policy followed by neighboring cities, publication of the agenda prior to each meeting will provide citizens with vital information before consideration and action by the City Council. Publication of the actions taken and votes recorded will foster an informed and alert electorate.

True consolidation of Municipal and School District elections is *only* provided for in Proposition "D". Proposition "A", the so-called consolidation measure, merely permits, but *does not require*, election consolidation. The decision to consolidate is retained by the City Council, not by the people. Proposition "D" is the only measure that will assure substantial savings to the taxpayer in election costs by requiring the consolidation of Municipal and School District elections.

Requiring that all reference to gender be both masculine and feminine, merely brings our Charter into conformity with State and Federal documents.

The undersigned authors of the primary argument opposed to ballot proposition D at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby state that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

Louis J. Cava

Dated: September 15, 1975

Joanne Peltier

Dated: September 15, 1975

Joseph Durante

Dated: September 15, 1975

Gregory K. Morris

Council Member

Dated: September 15, 1975

Lawrence E. Stone

Council Member

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## BALLOT MEASURE D SIX REASONS TO VOTE NO

### ON INITIATIVE PETITION CHARTER AMENDMENT D

1. The proposed Charter amendments could add up to \$22,000 a year to pay for printing agenda summaries and Council minutes in a type size nobody will bother to read. This proposal will not provide any information to you in a form which you can use but will benefit only the newspaper selected to print it.
2. Limiting the terms of Councilmen will take away the right of voters to decide whether or not to re-elect incumbents. Requiring special elections to fill Council vacancies will cost taxpayers \$25,000 each election at a time when soaring inflation calls for trimming city expenditures. More than 400 California General Law Cities fill their Council vacancies by appointment. Why does Sunnyvale have to be different?
3. Limiting the terms of members of City boards and commissions will deprive the taxpayers of their investment in training these persons and will deprive the City of the benefit of their experience.
4. It costs money to train both Councilmen and Board and Commission members. Ineffective Councilmen can be denied re-election by the voters, and ineffective Board and Commission members can be denied re-appointment.
5. You are being asked to buy all seven of the proposed Charter amendments. You do not have an opportunity to approve or disapprove any of them on an individual basis.
6. Charter revision should wait for the report of the Charter Revision Committee recently appointed from a cross-section of City voters, to study the entire Charter.

The undersigned authors of the primary argument opposed to ballot proposition D at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby state that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

/s/ Donald E. Koreski

Mayor of Sunnyvale

Dated: September 15, 1975

/s/ Donald S. Logan

Mayor Pro Tempore

Dated: September 15, 1975

/s/ Etta S. Albert

Councilmember

Dated: September 15, 1975

/s/ Charley C. Allen

Councilmember

Dated: September 15, 1975

/s/ Gilbert R. Gunn

Councilmember

### FULL TEXT OF PROPOSED CHARTER AMENDMENT—PROPOSITION A

SECTIONS 700 AND 1400 OF THE SUNNYVALE CHARTER SHOWING CHANGES THERETO IF PROPOSITION A CARRIES AT THE NOVEMBER 4, 1975 SPECIAL MUNICIPAL ELECTION. Lineouts indicate deletions, and underlining indicates new wording.

Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four (4) years from and after the ~~third Tuesday of April next following his election, and until his successor is~~

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is elected and qualified. Tuesday next following the member's election, and until a successor is elected and qualified. The term of each Councilmember in office at the adoption of this amendment, or at the time of any change in the date for the election of governing board members of elementary school districts, shall be increased or decreased to the extent necessary to allow the General Municipal Election at which the seat occupied by such Councilmember is to be filled, to be held concurrently with such school district election.

The office of each member of the Council is a separate elective office to be separately filled at any election.

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.

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 particular office.

Prior to the General Municipal Election in 1969, the City Council by resolution duly adopted shall designate each Council seat as a separate elective office in the following language: "Councilman, Seat No. \_\_\_\_\_" and by assigning a number from 1 to 7, respectively, to each seat. The designation given to each elective office thereafter shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to each such office, and to designate incumbency of each such office.

The first election at which members of the Council shall be elected pursuant to this section shall be the General Municipal Election held in the year 1969. At such election persons shall be elected to fill the seats of the three members of the Council whose terms expire on the third Tuesday of April, 1969. At the General Municipal Election held in 1971, persons shall be elected to fill the seats of the four members of the Council whose terms expire on the third Tuesday of April, 1971. Thereafter, at each General Municipal Election successors shall be elected to fill the seats of the members of the Council whose terms expire on the third Tuesday of April in the year of such election.

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

Section 1400. General Municipal Elections. General Municipal Elections for the filling of elective offices shall be held in the said City on the second Tuesday in April in each odd numbered year commencing with the year 1951. There shall be a General Municipal Election to fill elective offices in the odd-numbered years on the date established under general law for the election of governing board members of elementary school districts.

**FULL TEXT OF PROPOSED  
CHARTER AMENDMENT - PROPOSITION D  
SECTIONS 700, 703, 712, 1002, 1400, AND 1800 OF THE SUNNYVALE**

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**CHARTER SHOWING CHANGES THERETO IF PROPOSITION D  
CARRIES AT THE NOVEMBER 4, 1975 SPECIAL MUNICIPAL  
ELECTION. Lineouts indicate deletions, and underlining indicates new  
wording.**

Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of (4) four years from and after the third Tuesday of April next following his election, and until his successor is elected and qualified. Tuesday immediately following the member's election and continuing until a successor is elected and qualified.

For the purpose of giving effect to the change in election dates provided for in Section 1400 of this charter, the term of each member holding office on the effective date of each change in election date shall be reduced or extended to enable a duly elected and qualified successor to take office on the Tuesday immediately following the General Municipal Election held in the year in which the term of the member shall expire.

No person shall be eligible to serve as a member of the Council for more than two (2) successive four-year elective terms. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year elective terms after the expiration of the unexpired term which he/she filled.

The office of each member of the Council is a separate elective office to be separately filled at any election.

Prior to the General Municipal Election in 1969, the City Council by resolution duly adopted shall designate each Council seat as a separate elective office in the following language: "Councilman, Seat No. \_\_\_\_\_" and by assigning a number from 1 to 7, respectively, to each seat. The designation given to each elective office thereafter.

Each Council seat shall be a separate elective office to be designated by a number from 1 through 7 in the following manner: "Councilmember, Seat No. \_\_\_\_\_." Such designation of each seat shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to each such office, and to designate incumbency the incumbent of each such office Seat.

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

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.

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 particular office.

The first election at which members of the Council shall be elected pursuant to this section shall be the General Municipal Election held in the year 1969. At such election persons shall be elected to fill the seats of the three members of the Council whose terms expire on the third Tuesday of April, 1969. At the General Municipal Election held in 1971, persons shall be elected to fill the seats of the four members of the Council whose terms expire on the third Tuesday of April, 1971. Thereafter, at each General Municipal

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Election successors shall be elected to fill the seats of the members of the Council whose terms expire on the third Tuesday of April in the year of such election.

Section 703. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council and the person appointed shall hold office for the unexpired term of the former incumbent.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. Except as otherwise provided herein, in the event of a vacancy in the City Council from whatever cause arising, the City Council shall call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death of a member, where the unexpired term of the deceased member does not exceed one hundred and eighty (180) days, the City Council shall, within 60 days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the 60 days period, it shall treat such vacancy in the same manner as one created by a cause other than death.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty (180) days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until his/her successor is elected and qualified.

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty (60) 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; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale.

Section 712. Proceedings. The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of items listed on the agenda prepared for

regular meetings of the City Council which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale. In addition, the City Clerk shall be directed to furnish the City Library with at least two (2) sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication in accordance with the provisions set forth below.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of the minutes of the regular and special meetings of the City Council or of the digest of those actions taken at such meetings which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges.

Such publication shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as herein above described, shall include but not limited to a description of the items of the agenda acted upon in sufficient details to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor shall also be published.

Section 1002. Appointments. Terms. Except as otherwise provided in this Article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

Except as otherwise provided in this Article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. No member of any board or commission shall be eligible to serve for more than one successive four year term nor shall such member be eligible for appointment to the same or to any other board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however be eligible to serve one successive four year term upon the expiration of the unexpired term for which such person was appointed.

Unless otherwise provided, The members first appointed to those boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot



shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 1400. General Municipal Elections. General Municipal Elections for the filling of elective offices shall be held in the said City on the Second Tuesday in April in each odd numbered year commencing with the year 1951 consolidated with the election of governing board members of school districts on the first Tuesday following the first Monday of March of each odd-numbered year commencing in 1977 or upon such other date as the California State Legislature might, from time to time, provide for the election of governing board members of school districts; provided, however, that the General Municipal Elections shall nevertheless be held on the First Tuesday following the first Monday of March of each odd-numbered year in the event that the State Legislature should provide for the election of governing board members of school districts to be held in even-numbered years.

Section 1800. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory and "may" is permissive.

(b) "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.

(c) ~~The masculine gender includes the feminine and neuter.~~

(c) 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 paragraph (c), immediately above, shall be reflected throughout this Charter in the next official printing thereof.

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## PROPUESTA "A"

### ANALISIS PRESENTADO POR EL ABOGADO DE LA CIUDAD

La Proposición A trata sobre la consolidación de elecciones. Este análisis considera que el lector deberá consultar el texto del cambio propuesto en el panfleto del votante.

*Existente:* De acuerdo a la Carta Constitucional en existencia, las elecciones municipales generales para llenar los puestos de concejales, son establecidas específicamente para el "Segundo martes de abril de cada año impar" (Sección 1400), y que después de las elecciones los concejales empiezan y terminan su período como miembros del Concejo, en un día especial llamado, "el tercer martes de abril" (Sección 700). Actualmente las elecciones en los distritos escolares son llevadas a cabo el primer martes después del primer lunes de marzo en los años impares, fecha que de vez en cuando puede ser cambiada por la legislatura. La Carta Constitucional en existencia no previene la consolidación de elecciones, a pesar que dicha consolidación no ha ocurrido en el pasado, sobre un acuerdo entre los miembros gubernativos de la ciudad y el distrito escolar.

*Propuesta:* Las enmiendas propuestas establecerán que la fecha para las elecciones generales municipales sea la misma que aquella establecida bajo la ley del Estado para llevar a cabo la elección de los miembros de la Junta de las escuelas primarias del distrito, y proveerá que los concejales empiecen y terminen su período como miembros del Concejo el martes siguiente a las elecciones.

Las enmiendas propuestas permitirán la consolidación de las elecciones de la ciudad y distritos escolares, luego que los miembros gubernativos de la ciudad y de los distritos escolares den su consentimiento de acuerdo con los requisitos de la ley del Estado. La consolidación significará un ahorro en los gastos de elecciones.

*Enmienda para las secciones:* 700 y 1400.

Si vota "SI" en la propuesta "A" la Carta Constitucional será enmendada en la manera descrita anteriormente.

Si vota "NO" la Carta Constitucional permanecerá como está.

Firmado: James A. Hildebrand

Abogado de la ciudad

### BALOTA PARA LA PROPUESTA A ARGUMENTO EN FAVOR DE CONSOLIDAR LAS ELECCIONES

Consolidar las elecciones municipales con las elecciones de las escuelas BAJARA LOS GASTOS del gobierno local. Los mismos oficiales de elecciones y los mismos lugares de votación servirán para todas las elecciones.

Reducir el número de elecciones resulta más cómodo para el votante. Menos elecciones serán más convenientes para los votantes y permitirán dar un mayor énfasis a los problemas.

Habrá mejor representación de todos los problemas a resolver pues al combinar las elecciones más gente votará. Una mayor concurrencia de votantes sirve la voluntad del pueblo y da mejor orientación al gobierno. VOTE SI EN LA PROPUESTA A PARA CONSOLIDAR ELECCIONES, MEJORAR LA REPRESENTACION, AHORRAR DINERO Y TIEMPO PARA EL VOTANTE.

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City of Campbell Municipal Code

2.04.150 - Filling of unscheduled vacancies.

California Government Code Section 36512 sets forth the options available to fill a Council vacancy.  
(Ord. 1719 § 1, 1988). (Ord. No. 2117, § 1A, 12-8-2008)

City of Cupertino

Municipal Code Section 2.04.040 Vacancy.

A. If any vacancy on the City Council occurs other than by expiration of at term, the City Council shall, at its option within thirty days from the commencement of the vacancy, either fill the vacancy by appointment for the unexpired term of the former incumbent, or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than one hundred fourteen days from the call of the special election.

B. Notwithstanding any other provision of this section, the City Council may appoint any person, otherwise qualified, to fill a City Council vacancy to hold office only until the date of a special election which is called to fill the remainder of the term pursuant to subsection A of this section.

C. Notwithstanding any other provision of this section, an appointment shall not be made to fill a vacancy on the City Council if the appointment would result in a majority of the members serving on the Council having been appointed. The vacancy shall be filled in one of the following ways

1. The City Council may call an election to fill the vacancy to be held on the next regularly established election date not less than one hundred fourteen days after the call;

2. If the City Council does not call an election pursuant to subsection B of this section, the vacancy shall be filled at the next regularly established election date.

(Ord. 1697, (part), passed --1995; Ord. 1017, passed --1991; Ord. 1026, § 1, passed --1980)



CITY OF EAST PALO ALTO  
CITY MANAGER'S OFFICE  
2415 UNIVERSITY AVENUE, EAST PALO ALTO, CA 94303  
PHONE: (650)853-3100, FAX: (650)853-3115

For Immediate Release  
April 8, 2015

Contact: Terrie Gillen  
Interim Deputy City Clerk

**The City Council of East Palo Alto is inviting residents to apply to fill a vacant City Council position. Applications are due by April 30, 2015 at 5:00 p.m.**

East Palo Alto, CA - At its regular City Council meeting on April 7, 2015, the City Council approved an appointment process to fill the current vacancy on the City Council created by the resignation of Laura Martinez. This vacancy is to fill an unexpired term ending after certification of the November 2016 General Municipal Election, which is anticipated to be December 6, 2016. The City Council invites residents to submit an application to fill the unexpired term. The deadline to turn in an application is April 30, 2015 at 5:00 p.m.

To be eligible, an applicant must be a registered voter and a resident of the City of East Palo Alto. Individuals interested in being considered may obtain an application at City Hall, 2415 University Avenue, 2nd Floor, East Palo Alto, CA 94303. Applications are also available on the City's website at <http://www.ci.east-palo-alto.ca.us/DocumentCenter/View/1869>.

Applications must be received in the Office of the City Clerk, located at City Hall, 2<sup>nd</sup> Floor: 2415 University Avenue, East Palo Alto, CA 94303, no later than Thursday, April 30, 2015 at 5:00. **(Postmarks, faxes or emailed copies will not be accepted.)**

The City Council has set May 5, 2015 to conduct interviews. The City Council intends to make the appointment at this meeting, or at a subsequent meeting, if necessary. For more information, call Interim Deputy City Clerk Terrie Gillen at (650) 853-3127 or email her at: [tgillen@cityofepa.org](mailto:tgillen@cityofepa.org).

###

## City of Gilroy Charter

### Section 406. Vacancies.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty (60) consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused there from by said body.

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

The Council shall declare the existence of any vacancy. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

# **City of Milpitas Municipal Code**

- **Chapter 3 - VACANCY ON CITY COUNCIL**

**Sections:**

- **Section 1 - Authority of Adoption**

- **I-3-1.00**

This ordinance is enacted pursuant to the provisions of Government Code Section 36512.2 and following the affirmative vote of the electorate of the City of Milpitas upon Measure L at the special municipal election of the City of Milpitas on November 2, 1976.

(Ord. 194 (part), 12/21/76)

- **Section 2 - Requirements**

- **I-3-2.00**

Any person appointed by the City Council of the City of Milpitas to fill a vacancy upon said City Council shall hold office only until the date of a special election which shall be immediately called to fill the remainder of the vacant term. Said special election date will be the date of the next regularly scheduled election to be held throughout the City (not less than ninety (90) days from the call of the special election) unless said election date falls more than two hundred seventy (270) days from the call of the special election, in which case the special election shall be held on the next regularly established election date (not less than seventy-four (74) days from the call of the special election). See California Elections Code Section 2500 et seq.

(Ord. 194.1, 7/17/90; Ord. 194 (part), 12/21/76)



City of Morgan Hill Municipal Code

Chapter 1.17 - FILLING OF CITY COUNCIL VACANCIES

**Sections:**

1.17.010 - Statutory authority.

The ordinance codified in this chapter is adopted pursuant to authority set forth in Government Code Section 36512(c)(3).

(Ord. 1325 N.S. (part), 1997)

1.17.020 - Appointment and election.

Any person appointed to fill a vacancy on the city council, holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than one hundred fourteen days from the call of the special election.

(Ord. 1325 N.S. (part), 1997)

1.17.030 - Sunset clause.

Chapter 1.17, Filling of City Council Vacancies, and all ordinances included therein, including but not limited to 1.17.010 through 1.17.040 shall be repealed and ineffective after the certification of the November, 1997 election and the seating of the newly elected councilmember or December 31, 1997 whichever shall occur first.

(Ord. 1325 N.S. (part), 1997)

1.17.040 - Appointment and election.

The ordinance codified in this section shall only become effective should Section 1.17.020 Appointment and election be invalidated. Any person appointed to fill a vacancy on the city council, holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than one hundred fourteen days from the call of the special election.

(Ord. 1326 N.S. (part), 1997)

1.17.050 - Sunset clause.

Chapter 1.17, Filling of City Council Vacancies, and all ordinances included therein, including but not limited to 1.17.010 through 1.17.050 shall be repealed and ineffective after the certification of the November, 1997 election and the seating of the newly elected councilmember or December 31, 1997 whichever shall occur first.

(Ord. 1326 N.S. (part), 1997)

## City of Mountain View Charter

### Section 402. - When an elective office becomes vacant.

An elective office becomes vacant when the incumbent dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the state without leave for more than sixty days, or fails to attend the meetings of the council for a like period without being excused therefrom by said body. (As amended June 3, 1980.)

### Section 504. - Vacancies.

The council shall, within 30 days from the commencement of any vacancy on the council from whatever cause arising, either fill the vacancy by appointment or call a special election to fill the vacancy. If the vacancy is filled by appointment, the person so appointed shall hold office until the first Tuesday following the next general municipal election at which a successor could be elected and until that person's successor qualifies. At that next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term. If the vacancy be filled by election, the person so elected shall hold office for the unexpired term of the former incumbent and until that person's successor qualifies. When any vacancy occurs, if there are two councilmembers at that time serving terms to which they were appointed, then in that event, the vacancy shall be filled solely by election. Notwithstanding the provisions of Charter Section 1302, a special election to fill a council vacancy may be held on any date. (As amended, April 12, 1960; June 3, 1980; November 6, 1984.)

City of Palo Alto Charter

Article III. Sec. 10. Vacancy on council.

A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of January succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term.

(Amended by Stats. 1972, Ch. 71, 7-7-72 and by amendment filed with the Secretary of State, December 12, 1979)

## **City of San Jose**

least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.

No more than one salary setting ordinance shall be adopted on the basis of any biennial recommendation, provided that the Council may, at any time, by ordinance, reduce the salaries of the members of the Council, including the Mayor. In any salary setting ordinance adopted hereunder, the salaries for each member of the Council shall be the same, except that the salary of the Mayor may exceed that of the other members of the Council. Salaries established by ordinance adopted pursuant to the provisions of this Section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

For each member of the Council, except the Mayor, a sum, as established by the Council Salary Setting Commission, shall be deducted from the salary of such member for each regular meeting of the Council, other than regular adjourned meetings, which he or she fails to attend in each such calendar month; provided, however, that such deduction shall not be made for his or her failure to attend any meeting during which he or she is away on authorized City business, or from which he or she is absent because of his or her own illness or the illness or death of a close family member. No deduction shall be made from the Salary of the Mayor because of his or her failure to attend any Council meeting.

*Amended at election June 7, 1966*

*Amended at election June 5, 1973*

*Amended at election November 4, 1980*

*Amended at election November 4, 1986*

### **SECTION 408. Reimbursement.**

The members of the Council and the Mayor shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

### **SECTION 409. When Office Becomes Vacant.**

The office of a member of the Council or of the Mayor becomes vacant on the happening of any of the following events before the expiration of such officer's term:

- (a) The death of the incumbent;
- (b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;
- (c) Resignation of the incumbent;

- (d) The incumbent ceases to satisfy any requirements for retention of his or her office which are set forth elsewhere in this Charter;
- (e) Removal of the incumbent from office;
- (f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;
- (g) The incumbent ceases to discharge the duties of his or her office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;
- (h) The incumbent being convicted of a felony or of any offense involving a violation of his or her official duties;
- (i) The refusal or neglect of the incumbent to file his or her official oath or bond, if such is required by law, within the time prescribed by law;
- (j) The decision of a competent tribunal declaring void the incumbent's election or appointment;
- (k) The making of an order vacating the incumbent's office or declaring his or her office vacant when he or she fails to furnish an additional or supplemental bond if such is required of him or her by law;
- (l) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;
- (m) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retroactively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immediately following the date of adoption of such resolution although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his or her absence from which has been excused by the Council. Also, for purposes of this subsection,

“regular meetings” shall not be deemed to mean or include “regular adjourned meetings”, “special meetings”, or any committee meetings.

*Amended at election June 2, 1970*

*Amended at election June 7, 1994*

#### **SECTION 410. Filling of Vacancies.**

If, for any reason, a vacancy, as defined by Charter Section 409, occurs in the office of Mayor or Council member, the Council shall either fill the vacancy by appointment by a majority of its remaining members, or call an election for the purpose of filling such vacancy.

- (a) **APPOINTMENT.** If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 1st following the next Regular Municipal Election after the appointment, which ever first occurs.
- (b) **ELECTION.** If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.
- (c) **INTERIM APPOINTMENT.** If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.
- (d) **ADVANCE REPLACEMENT.** When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.
- (e) **NO REMAINING MEMBERS.** If the offices of all of the Council members and also of the Mayor should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.
- (f) **ELECTION DATES.** All dates for elections to fill vacancies shall be set by resolution.
- (g) **ELECTION IN 1994.** The election held on November 8, 1994 to fill a vacancy effective January 1, 1995 in Council District 7 shall be deemed to be an election

pursuant to this Section. The person so elected shall serve for the full term of that office.

*Amended at election June 6, 1967*

*Amended at election June 6, 1972*

*Amended at election November 7, 1978*

*Amended at election November 8, 1994*

## **SECTION 411. The Council; Interference With Administrative Matters.**

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.

*Amended at election November 4, 1986*

*Amended at election November 3, 1992*

*Amended at election November 5, 1996*

### **SECTION 411.1 Department Heads; Policy Objectives; Consent to Hire.**

- (a) The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that Department.
- (b) When the position of head of each Department becomes vacant, the Council shall review and, if necessary, amend the previously approved Statement of Policy. The Council also shall adopt a set of questions which are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.

For purposes of this section, the term “department” shall mean any department specified in Charter Section 807 as well as any department created by ordinance pursuant to Charter Section 800.

Prior to appointing any Department head, the City Manager shall submit to the Council, for its review, the responses to the Council’s questions submitted by the proposed appointee, and



City of Santa Clara

Charter Sec. 703 Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a majority vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

- 7      [17-0668](#)      Direction on Potential Charter Amendments to Revise Sections 604 (Filling Vacancies in Council Seats) and 606 (Designation of Vice Mayor) (Study Issue)

City Clerk Kathleen Franco Simmons provided the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 9:21 p.m.

Steve Scandalis spoke in support of the current City Charter language.

Public Hearing closed at 9:25 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternative 1) Provide direction to staff on the Council's preferred method for filling council vacancies and to draft amendments to Charter section 606 for consideration by Council; and

- a) Return to Council with draft alternatives for selection prior to June 2018; and
- b) Return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018; and

Alternative 2: Create an ad hoc Charter Review Committee to analyze and propose alternatives for amending Charter sections 604, and provide direction on the structure and scope of that commission;

- a) Direct staff to return to Council with draft alternatives for selection prior to June 2018; and
- b) Direct staff to return to Council in June 2018 with resolution(s) to call an election to submit a ballot measure to the voters November 6, 2018.

FRIENDLY AMENDMENT: Mayor Hendricks offered a friendly amendment to get the language out of the Charter Review Committee much sooner than June. Councilmember Griffith suggested that an ad hoc Charter Review Committee be created with the structure targeting a return date to Council in May 2018.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**



# City of Sunnyvale

## Agenda Item

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17-0762

Agenda Date: 10/17/2017

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### REPORT TO COUNCIL

#### **SUBJECT**

Establish the Total Number of Members of the 2017/18 Charter Review Committee to Consider Amendments to Charter Section 604, Provide Direction on the Selection Process for Committee Membership, and Direct Staff to Set the Appointment of Committee Members for a Future Council Meeting

#### **REPORT IN BRIEF**

At the September 26, 2017 City Council meeting, Council took action to create an ad hoc Charter Review Committee ("CRC") to analyze and propose alternatives for amending City Charter Section 604 *Vacancies*, and directed staff to return to Council by May 2018 with the recommendations of the committee.

This report provides options for Council to consider for the composition of the Charter Review Committee and appointment process for members.

#### **BACKGROUND**

##### Recent History of Charter Review Committees in Sunnyvale

In 2010, the Charter Review Committee was established to review two issues (directly elected mayor, council compensation) and was comprised of 11 members. The committee members were selected through an open application process. Council initially directed staff to include interviews and appointments similar to the board and commission appointment process, but later reconsidered that action and after an extended application deadline, directly appointed all 11 applicants. (See Attachment 1, RTC No. 11-018, January 25, 2011)

In 2006, the Charter Review Committee was comprised of 15 members. Each Councilmember appointed two Committee members, with the last member appointed by the Mayor and confirmed by Council. Council identified seven Charter issues as priorities for the Committee to review and make a recommendation on. Additionally, the City Council authorized the Committee to identify other Charter issues for review and recommendation and to provide the opportunity for public input on changes to the Charter. (See Attachment 2, RTC No. 06-234, July 18, 2006)

#### **EXISTING POLICY**

The Council has complete flexibility in establishing a CRC, including but not limited to number of members and appointment process.

#### **ENVIRONMENTAL REVIEW**

Establishing and appointing a Charter Review Committee is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect

changes in the environment.

### **DISCUSSION**

The Council has discretion to structure the committee to review Section 604 of the City Charter in any way it deems desirable. The options can be broadly characterized into the following three categories:

1. Council Nominations:
  - a. Establish the total number of members to be appointed.
  - b. Each Councilmember nominates one or more member(s).
  - c. Council ratifies all nominees to the CRC.
2. Recruitment and Appointment Similar to the City's Boards and Commissions:
  - a. Establish the total number of members to be appointed.
  - b. Advertise.
  - c. Receive applications (See Attachment 3, Draft Application Form).
  - d. City Clerk verifies qualifications.
  - e. Council interviews all applicants.
  - f. Voting process for appointment
    - i. Each applicant receives either a Yes, No, or Abstain vote.
    - ii. Four (4) Affirmative votes are required to select.
    - iii. The top number of Yes-vote-getters is selected and ratified.
    - iv. Tie-votes must be re-voted, followed by random selection.
3. Other process determined by Council.

Staff anticipates the following tentative timeline for this project:

- October - November: Council members select nominee(s) if option 1 is selected, or City Clerk conducts recruitment for CRC applicants if option 2 is selected.
- November - December: Report to Council - Appointment of members to the CRC (including interviews if option 2 is selected).
- January 2018 - April 2018: CRC meets as needed.
- May 2018: Report to Council - CRC recommendation to Council and Council direction on potential amendment to Charter Section 604.
- June 2018: Report to Council - Council considers resolution to submit ballot measure to the voters for the November 6, 2018 ballot.

### **FISCAL IMPACT**

The costs for a 2017/18 Charter Review Committee will include recruitment advertising, if option 2 above is selected, and internal staff costs. Although the work may potentially require staff overtime the cost can be absorbed within the FY 2017/18 Operating Budget for the City Manager's office through vacancy savings.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**ALTERNATIVES**

1. Establish the total number of members of the Charter Review Committee to consider amendments to Charter Section 604, provide direction on the selection process for Committee membership, and direct staff to set the appointment of Committee members for a future Council meeting.
2. Other direction as provided by Council.

**STAFF RECOMMENDATION**

Staff makes no recommendation.

Prepared by: Lisa Natusch, Deputy City Clerk  
Reviewed by: Teri Silva, Interim Assistant City Manager  
Reviewed by: John A. Nagel, City Attorney  
Approved by: Kent Steffens, Interim City Manager

**ATTACHMENTS**

1. Report to Council No. 11-018, January 25, 2011
2. Report to Council No. 06-234, July 18, 2006
3. Draft Application Form

**Council Meeting: January 25, 2011****SUBJECT: Charter Review Committee Appointments****DISCUSSION**

Per Council action on November 9, 2010, the Charter Review Committee was created to review whether to amend the City Charter to change to a directly-elected Mayor, propose Charter language if the City Council decides to place a Charter amendment for a directly-elected Mayor on the 2011 ballot, and to review and make a recommendation on the Charter provisions on Council compensation. The Charter Review Committee is intended to be comprised of eleven members. The Charter Review Committee will meet as needed during the next several months and is expected to complete its task by the end of April 2011.

Due to a shortage of applications received by the initial December 7, 2010 deadline, Council extended the time period to receive applications for the Charter Review Committee so the appointments could be made January 25, 2011. The Office of the City Clerk received eleven applications from the following individuals:

Terry R. Fowler  
Glenn K. Hendricks  
Patrick E. Hughes  
Carol Ludlow  
Tappan G. Merrick  
Julia E. Miller  
Ken Olevson  
Mathieu Pham  
Ted Ringel  
Willis (Bill) Ritter  
Carol Weiss

**EXISTING POLICY**

Per Council action on November 9, 2010, the Charter Review Committee appointment process will follow the boards and commissions appointment process:

Council Policy 7.2.19 *Boards and Commissions* outlines the appointment process, as follows: *Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed.*

*Should no candidate receive at least four affirmative votes, the vacancy will remain. Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the City Attorney to draw the name of the person to be appointed.*

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

### **ALTERNATIVES**

1. Consider selecting and appointing members to serve on the Charter Review Committee from the candidates listed in this report.
2. Other action as directed by Council.

### **RECOMMENDATION**

Staff recommends Alternative 1: Consider selecting and appointing members to serve on the Charter Review Committee from the candidates listed in this report.

Reviewed by:

Robert Walker, Assistant City Manager  
Prepared by: Lisa Natusch, Deputy City Clerk

Approved by:

Gary M. Luebbers  
City Manager





## REPORT TO MAYOR AND COUNCIL

NO: 06-234

July 18, 2006

*[Continued from 5-30-06 and 6-13-06]*

**SUBJECT:** SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS  
AND DIRECTION TO CHARTER REVIEW COMMITTEE

**REPORT IN BRIEF**

The City Attorney presented on April 4, 2006, a study session on City Charter Review Committee Options. The study session included review of the Charter's legal basis, procedures for Charter amendments, and options for Charter review committees. On June 13, 2006, the Council considered and took action on a Report expanding on the April 6, 2006, study session and providing discussion of the City's Charter, procedures for making changes to the Charter, possible Charter revisions, and options for the selection and operation of a Charter Review Committee. The Council voted to create a 2006-07 *Ad Hoc* Charter Review Committee, established the membership at fifteen (12 registered voters and 3 registered voters or residents), provided for the selection of members and the Charter committee chair and vice-chairs, and established procedures for the selection of Committee members and officers, and guidelines for Committee operations.

Tonight's Report is brought to the Council for the identification of the two Charter Review Committee members selected by each Councilmember, the approval of the fifteenth member selected by the Mayor, the initial selection of Charter issues by the Council for the Committee to review, and budget modifications as necessary for support of the Charter Review Committee..

**BACKGROUND**

Cities in California are either "general law" or "charter" cities. General law cities have only those powers granted by state statute to cities. Article XI of the California Constitution authorizes the adoption of a city charter by the majority vote of a city's electorate. If adopted, the charter serves as the city's constitution and a blueprint for city government and ordinances. A city charter includes guidelines for the city's form of government, city council terms and districts, election and campaign procedures, and city departments.

The City of Sunnyvale adopted its City Charter in 1949, and it has been amended fourteen times since its adoption. The voters last amended the Sunnyvale City Charter in 2005, and modified the terms for Board and

SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS AND  
DIRECTION TO CHARTER REVIEW COMMITTEE

July 18, 2006

[Continued from 5-30-06 and 6-13-06]

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Commission members and clarified the authority of the Heritage Preservation Commission. Charter amendments are usually to make changes to the structure of city government or to make "housekeeping" changes to update the charter to conform to changes in state law or experience in administering the charter provisions.

One method for Charter amendments is for the Sunnyvale City Council, by a majority vote, to put proposed Sunnyvale City Charter changes on the ballot for voter approval. This was the method used for the 2005 Charter amendments. The City Council can appoint an *Ad Hoc* Charter Review Committee to assist the Council in reviewing the Charter and to make recommendations to the Council on what Charter amendments to place on the ballot. On June 13, 2006, the City Council took the following actions regarding the 2006-07 *Ad Hoc* Charter Review Committee:

1. Established a fifteen-member Charter Review Committee with each Councilmember nominating two individuals, and the Mayor nominating the fifteenth member, subject to Council approval.
2. A minimum of twelve members of the Charter Review Committee must be registered Sunnyvale voters. The additional three members may be either Sunnyvale registered voters or Sunnyvale residents not registered to vote.
3. The Chair and two Vice-Chairs of the Committee will be selected by the Committee.
4. Current Councilmember's family members within the second degree (parents, grandparents, children sisters or brothers, nieces and nephews, uncles and aunts, and members of their household) are excluded from nomination to the Charter Review Committee.
5. The authority of the Charter Review Committee is limited to the Charter and the Charter Review Committee has the discretion to identify, review and make recommendations on any Charter provisions subject to these priorities and restrictions:
  - i. The Committee should give highest priority to any Charter issue selected by a majority of the Councilmembers.
  - ii. The Committee should give second-highest priority to any Charter issue selected by an individual Councilmember.

SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS AND  
DIRECTION TO CHARTER REVIEW COMMITTEE

July 18, 2006

*[Continued from 5-30-06 and 6-13-06]*

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- iii. The Committee must provide for public notice and opportunity for comment by the public, Councilmembers and Board and Commission members before making any recommendation.
  - iv. The Committee should look first at those Charter issues identified by the Council; if time allows the Committee may look at any additional Charter issue it determines needs review and a recommendation.
  - v. The Committee should attempt to review relevant research and expert testimony on any Charter issue where such research is reasonably available from the League of Cities, or other similar organization.
6. Move review and study of the election of Councilmembers by seat from City Attorney Study Issue to the Charter Review Committee (subject to replacement as part of the study issue if the Charter Review Committee is not directed to review this issue).

**DISCUSSION**

Council Nominations For Charter Committee Membership

The Mayor, Vice-Mayor and Councilmembers have named the following individuals as their appointments to the Charter Review Committee:

Mayor Ron Swegles:	Dianna McKenna Richard Napier (Third appointment to be announced)
Vice-Mayor Otto Lee:	Laura Babcock Larry Klein
Councilmember Chu:	David Simons Daisy Nishigawa
Councilmember Howe:	Pat Castillo Mark O'Connor
Councilmember Hamilton:	Andy Maloney Geoff Ainscow

SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS AND  
DIRECTION TO CHARTER REVIEW COMMITTEE

July 18, 2006

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Councilmember Moylan: Larry Stone  
Virginia Shea

Councilmember Spitaleri: Bob Lawson  
Howard Chuck

Additional Council Direction to Committee

At the June 13 meeting, the Council deferred to July 18, the selection of specific Charter provisions or issues it wants to prioritize for the Charter Committee to review and make recommendations on. The Council needs to discuss and select any Charter issues it wants to direct the Charter Review Committee to make first priority.

Timetable For Charter Amendments On The 2007 Ballot

The City of Sunnyvale is required to transmit a request for a ballot measure with the proposed language for the Charter amendment to the County Registrar of voters at least 88 days before the election date. The proposed timetable focuses on the November 2007 election, which will provide the Committee adequate time to complete its recommendations by March, 2007. The Council will then review and decide what Charter amendments, if any, it wants to place on the November 2007 ballot. The Council may want to set a due date for all Committee recommendations to be received by the Council to allow time to adopt a resolution and ballot measure before July 9, 2007; a suggested due date for Committee recommendation is no later than March 30, 2007.

Staffing of Ad Hoc Charter Review Committee

The Council established an *Ad Hoc* Charter Review Committee in its June 13 action. The Committee will require staff assistance to do its work. Anticipated staff support will include legal, administrative, city clerk and secretarial. These staffing needs may be met either through the assignment of current City staff to the Committee or the utilization of outside staff, including legal consulting and clerical.

It is instructive that for the 1990/91 fiscal year, internal staffing costs for the 1991 *Ad Hoc* Charter Review Committee were \$16,004. This included 290 hours of administrative time, 35 hours of city clerk recording time, and 47 hours of legal staff time. As these are 1991 dollars, the same time would be more expensive in 2006. Council should also note that the 1991 Committee had a prescribed scope of work from the Council and were not permitted to look at or review issues other than those specifically asked by the Council. If

SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS AND  
DIRECTION TO CHARTER REVIEW COMMITTEE

July 18, 2006

[Continued from 5-30-06 and 6-13-06]

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the *Ad Hoc* Charter Review Committee is given multiple Charter provisions to review and discretion as to what Charter issues it can discuss and make recommendations on, the costs may be higher based on the number and complexity of issues the Committee looks at.

Although the City Attorney's Office will make every effort to support the *Ad Hoc* Charter Review Committee, it should be noted that the City Attorney's Office currently has 4 attorneys, down from 5.5 attorneys in May, 2005. The City Attorney's Office has also acquired the Claims and Risk Management Program from Human Resources starting in January, 2006, and is currently managing that program in addition to its pre-existing work without adding legal staff. Consequently, the Office of the City Attorney has minimal capacity at this time to undertake the additional work and support required by an *Ad Hoc* Charter Review Committee and has not budgeted this work for 2006-07. Council options would include providing supplemental funding to allow the Office of the City Attorney to hire outside legal staff on an as-needed basis to support the Committee, or adding a part-time legal position to the City Attorney's Office to provide assistance with this and other special projects.

### **FISCAL IMPACT**

The fiscal impact will depend on the scope of the Charter review authority. The costs from the 1991 Charter Review Committee, which was limited to the review of a directly-elected Mayor were \$16,004. This is approximately \$24,000 after adjustment for inflation. Additional costs for outside consultants and counsel could add another \$20,000 to the cost of the Committee, so an estimated cost range for the *Ad Hoc* Charter Review Committee is from \$25,000 to \$45,000.

### **CONCLUSION**

The Council established a 2006-07 *Ad Hoc* Charter Review committee on June 13, 2006, with guidelines for the selection of Committee members, election of officers, and rules for prioritizing review of Charter provisions.

Today's required Council action is to receive the names of the members selected for the Committee, confirm the 15<sup>th</sup> member of the Committee nominated by the Mayor, select any Council-identified Charter provisions and/or issues for review, set a date for the council to receive the Committee's report and recommendations, and to identify and allocate funding for staff support of the *Ad Hoc* Charter Review Committee.

SELECTION OF CHARTER REVIEW COMMITTEE MEMBERS AND  
DIRECTION TO CHARTER REVIEW COMMITTEE

July 18, 2006

[Continued from 5-30-06 and 6-13-06]

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**PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, and the availability of the report in the Library and City Clerk's Office.

**ALTERNATIVES**

1. Council receives the appointments to the Charter Review Committee of all Councilmembers and confirms the Mayor's appointment of \_\_\_\_\_ as the 15<sup>th</sup> member of the Committee.
2. Council identifies and selects the following Charter provisions and/or Charter issues to be given priority by the Committee for review and recommendations. (Council to select one or more issues for Committee review)
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
3. Additional funds in an amount not to exceed \$35,000 are allocated by the Council to fund the *Ad Hoc* Charter Review Committee.
4. Council does not identify and select Charter provisions and/or Charter issues to be given priority by the Committee for review and recommendations.

**RECOMMENDATION**

Staff recommends Alternatives 1, 2 and 3.

Prepared by:

  
\_\_\_\_\_  
David E. Kahn, City Attorney

# CITY OF SUNNYVALE CHARTER REVIEW COMMITTEE APPLICATION

Office Use Only

Date Received: \_\_\_\_\_

Voter registration

Checked: \_\_\_\_\_

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) for more information.

## IMPORTANT NOTICE

Please note that all information provided on the form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's website and the City's official roster.

Applicant Name: \_\_\_\_\_  
Last
First
M.I

Current Residence \_\_\_\_\_  
Street
City
State
Zip

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

How long have you been a resident of Sunnyvale? \_\_\_\_\_

Are you a currently-registered voter in Sunnyvale? \_\_\_\_\_

When was the last time you voted?  
 Month/Year \_\_\_\_\_

Have you previously served as a City Councilmember? \_\_\_\_\_

If yes, when? \_\_\_\_\_ Terms served \_\_\_\_\_  
 \_\_\_\_\_ Terms served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee? \_\_\_\_\_

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? \_\_\_\_\_

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
 \_\_\_\_\_ Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? \_\_\_\_\_

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
 \_\_\_\_\_ Term previously served \_\_\_\_\_

Applicant Name: \_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?
2. What skills or attributes can you bring to the Charter Review Committee?
3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.
4. Briefly describe your current or last occupation.
5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.
6. Describe your involvement in community activities, volunteer and civic organizations.



Applicant Name: \_\_\_\_\_

7. The City has a [Code of Ethics and Conduct for Elected and Appointed Officials](#) that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the boards and commission interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours in advance of your scheduled interview.



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, October 17, 2017

5:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meetings: Closed Session- 5 PM | Joint Study Session with Bicycle and  
Pedestrian Advisory Commission- 5:30 PM | Regular Meeting- 7 PM**

- 5      [17-0762](#)      Establish the Total Number of Members of the 2017/18  
Charter Review Committee to Consider Amendments to  
Charter Section 604, Provide Direction on the Selection  
Process for Committee Membership, and Direct Staff to Set the  
Appointment of Committee Members for a Future Council  
Meeting

Deputy City Clerk Lisa Natusch presented the staff report. City Attorney John Nagel  
provided additional information.

Public Hearing opened at 11:30 p.m.

No speakers.

Public Hearing closed at 11:30 p.m.

MOTION: Councilmember Griffith moved and Councilmember Smith seconded the  
motion to establish the total number of members of the Charter Review Committee  
to be 11 members and appoint them via the recruitment and appointment process  
similar to the City's boards and commissions.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**



# City of Sunnyvale

## Agenda Item

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17-1103

Agenda Date: 11/28/2017

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Consider Amendment of Council Action Previously Taken on October 17, 2017 Regarding the 2017/18 Charter Review Committee Recruitment and Appointment Process

#### **REPORT IN BRIEF**

On October 17, 2017, Council took action to establish the total number of members of the Charter Review Committee to be 11 members and appoint them via the recruitment and appointment process similar to the City's boards and commissions (Attachment 1).

Recruitment has been conducted to receive applications from residents interested in serving on the 2017/18 Charter Review Committee. The application deadline was set as November 17, 2017. Applications were received from 15 qualified applicants before the deadline; one additional application was received after the deadline. Council interviews of applicants were scheduled to be held December 5, 2017, and appointments to the Committee scheduled for December 12, 2017.

Mayor Hendricks has requested consideration of amending the Charter Review Committee selection process to provide for the City Council to review the applications and make the selection of Charter Review members based on the review of the applications submitted rather than a formal Council interview process.

#### **EXISTING POLICY**

The Council has complete flexibility in establishing a Charter Review Committee, including but not limited to number of members and appointment process.

#### **ENVIRONMENTAL REVIEW**

Establishing and appointing a Charter Review Committee is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### **FISCAL IMPACT**

None.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**ALTERNATIVES**

1. Amend Council action previously taken on October 17, 2017 regarding the Charter Review Committee appointment process to allow selection of members by reviewing applications submitted and eliminating the in-person interview used for the appointment of board and commission members.
2. Other direction as provided by Council.
3. Take no action.

**STAFF RECOMMENDATION**

Staff makes no recommendation.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: Teri Silva, Interim Assistant City Manager

Approved by: Kent Steffens, Interim City Manager

**ATTACHMENT**

1. Excerpt of Minutes of October 17, 2017 Agenda Item No. 17-0762



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, October 17, 2017

5:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meetings: Closed Session- 5 PM | Joint Study Session with Bicycle and  
Pedestrian Advisory Commission- 5:30 PM | Regular Meeting- 7 PM**

- 5**      [17-0762](#)      Establish the Total Number of Members of the 2017/18 Charter Review Committee to Consider Amendments to Charter Section 604, Provide Direction on the Selection Process for Committee Membership, and Direct Staff to Set the Appointment of Committee Members for a Future Council Meeting

Deputy City Clerk Lisa Natusch presented the staff report. City Attorney John Nagel provided additional information.

Public Hearing opened at 11:30 p.m.

No speakers.

Public Hearing closed at 11:30 p.m.

MOTION: Councilmember Griffith moved and Councilmember Smith seconded the motion to establish the total number of members of the Charter Review Committee to be 11 members and appoint them via the recruitment and appointment process similar to the City's boards and commissions.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, November 28, 2017

7:00 PM

Council Chambers, City Hall, 456 W. Olive  
Ave., Sunnyvale, CA 94086

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- 6**      [17-1103](#)      Consider Amendment of Council Action Previously Taken on  
October 17, 2017 Regarding the 2017/18 Charter Review  
Committee Recruitment and Appointment Process

City Clerk Kathleen Franco Simmons provided the staff report. Mayor Hendricks provided additional information.

Public Hearing opened at 7:50 p.m.

No speakers.

Public Hearing closed at 7:50 p.m.

MOTION: Councilmember Griffith moved and Councilmember Klein seconded the motion to approve Alternative 1: Amend Council action previously taken on October 17, 2017 regarding the Charter Review Committee appointment process to allow selection of members by reviewing applications submitted and eliminating the in-person interview used for the appointment of board and commission members.

The motion carried by the following vote:

**Yes: 7 -**    Mayor Hendricks  
                 Vice Mayor Larsson  
                 Councilmember Griffith  
                 Councilmember Klein  
                 Councilmember Smith  
                 Councilmember Melton  
                 Councilmember Goldman

**No: 0**



# City of Sunnyvale

## Agenda Item

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17-1042

Agenda Date: 12/12/2017

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### REPORT TO COUNCIL

#### SUBJECT

Appoint Applicants to the Charter Review Committee

#### DISCUSSION

On September 26, 2017 Council established a Charter Review Committee (CRC) to review and analyze City Charter Section 604 (Filling Vacancies in Council Seats). On October 17, 2017, Council established the number of members at 11 and directed a recruitment process similar to the City's boards and commissions. On November 28, 2017 the City Council amended the action previously taken on October 17 regarding the appointment process to allow selection of members by reviewing applications submitted and eliminating the in person interview. The CRC will meet as needed from January through April 2018, and is expected to complete its task by May 2018. Council will consider the recommendations of the CRC tentatively in June 2018 and may provide direction at that time to prepare for a ballot measure to submit a Charter Amendment to City voters in the November 6, 2018 General Municipal Election.

The CRC recruitment was advertised via the City website, display ads in the Sunnyvale Sun, posts on Nextdoor, Facebook and Twitter, on the Library display board, and email notifications to board and commission members, recent board and commission applicants, Neighborhood Association leaders, and Leadership Sunnyvale.

The Office of the City Clerk received 15 applications by the November 17, 2017 administrative deadline from the following individuals:

Linda Davis  
Melinda Hamilton  
Arthur Henrick  
Dawn Hopkins  
John Howe  
Marc Ketzel  
Richard Mehlinger  
Amanda Richey  
Steve Scandalis  
Avanindar Singh  
William Stewart Jr.  
Lawrence Stone  
Jack Walker  
Carol Weiss  
David Ybarra

Two additional applications were received after the deadline and are included for consideration at Council's discretion:

Hannalore Dietrich  
Andrew LaManque

Following appointments, Office of the City Clerk staff will administer an oath of office and members will be asked to sign the City's Model of Excellence.

### **EXISTING POLICY**

Council Policy 7.2.19 *Boards and Commissions* provides that the appointment process is conducted per one of the following two methods, at the discretion of the Mayor:

Individual Candidate Votes: Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. The process is repeated for each board or commission.

Paper Votes: The City Clerk will distribute individual voting sheets to be completed by each Councilmember. The candidate receiving the most votes and at least four affirmative votes will be appointed.

The Mayor has selected Paper Ballot Voting for the Charter Review Committee appointment process.

Resolving ties: Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the city attorney to draw the name of the person to be appointed. If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **ALTERNATIVES**

1. Appoint 11 committee members from the applicants listed in this report.
2. Provide other direction to staff on how to proceed.

### **STAFF RECOMMENDATION**

Staff makes no recommendation.

Prepared by: Lisa Natusch, Deputy City Clerk  
Reviewed by: Teri Silva, Interim Assistant City Manager  
Approved by: Kent Steffens, Interim City Manager

### **ATTACHMENT**

1. Charter Review Committee Applications



# CITY OF SUNNYVALE CHARTER REVIEW COMMITTEE APPLICATION

<b>Office Use Only</b>	
Date Received:	<u>11/6/17</u>
Voter registration Checked:	<u>11/7/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

## IMPORTANT NOTICE

**Information provided on this application becomes a public record after it is officially filed. This document will be published to the City website with the interview materials. Personal contact information will be redacted.**

Applicant Name:	<u>Davis</u>	<u>Linda</u>	<u>R</u>
	Last	First	M.I
Current Residence	<u>[REDACTED]</u>	<u>Sunnyvale</u>	<u>CA 94086</u>
	Street	City	State Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 32 years

Are you a currently-registered voter in Sunnyvale? Yes

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? No

If yes, when? _____	Term served	_____
_____	Term served	_____

Have you served on a previous City of Sunnyvale Charter Review Committee? No

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? No

If yes, which one? _____	Term currently serving	_____
	Term previously served	_____

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No

If yes, which one? _____	Term currently serving	_____
	Term previously served	_____

1. What motivated you to apply for the Charter Review Committee?

I would like to serve the City, and the limited schedule and focus for this committee accord with my current capacity.

2. What skills or attributes can you bring to the Charter Review Committee?

Two personal skills relevant to the committee's work:

- rigorous, well-structured thinking – a natural tendency, honed by academic & professional experience
- concise, easy-to-understand writing – learned by communicating complex subjects to diverse audiences.

I like the challenge of listening to different ideas or approaches and helping to construct a solution that is satisfactory to all, or at least a strong majority.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

B.S. Engineering Physics, University of Tulsa; B.Phil Physics, Oxford University; Ph.D. Physics, University of Illinois at Urbana-Champaign. Experience relevant to the CRC's work: service on many nonprofit committees charged with bringing people together to deliver a project or product in the public interest.

4. Briefly describe your current or last occupation.

recent years – systems support and mentoring for League of Women Voters of Cupertino-Sunnyvale  
2009-2011 – Vice President for Voter Service, League of Women Voters of California  
1999-2003 – Budget Chair, League of Women Voters of California

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I attend, watch on TV, or view/hear online many Council and commission meetings. I learn a great deal about my community this way – not only about City actions/decisions/policies, but also about the development/evolution of Sunnyvale and the interplay among the City, various governmental entities, and other players in public policy. Although already commendable, communications between Council-commissions-staff and City-public are areas needing continual attention.

6. Describe your involvement in community activities, volunteer and civic organizations.

Most of my community work in the past 30 years has revolved around voter participation and understanding of public policy. My voter education endeavors, mostly done under the auspices of the League of Women Voters, include:

- creating & delivering nonpartisan presentations on ballot measures – at libraries, churches & religious centers (of different faiths and denominations), corporations, civic organizations, alumni or professional groups, ethnic groups, senior centers, group residential facilities, schools, and more.
- coordinating creation of the "Easy Voter Guide", a concise guide of statewide elections written for new voters and busy voters – disseminated via libraries, schools, newspapers, organizations, election officials, etc.
- working with subsidized housing sites countywide to bring residents Internet access (in the late 1990's) and support their use of both online resources and nonpartisan print materials for informed voting.

I have also had an abiding concern for people in need. Years ago I volunteered at a woman's shelter, a homeless shelter, and a meals program. I will likely seek to serve such segments of my community in the future.

Applicant Name: Linda R Davis

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I have no concerns with respect to the application of The Code of Ethics and Conduct to myself or the Charter Review Committee. Instead, I see this document as tremendously useful. I feel confident that the Council will staff this committee with people willing to abide by these rules and guidelines. If any problem with ethics or conduct were to arise with the CRC, the Code of Ethics and Conduct would likely prove helpful.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant



Date 11/6/2017

*Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the n interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours in advance of your scheduled interview.*

Office Use Only

Date Received: 11/17/17

Voter registration

Checked: 11/17/17

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
 \_\_\_\_\_ Term previously served \_\_\_\_\_

Applicant Name: Melinda Hamilton

1. What motivated you to apply for the Charter Review Committee?

I enjoy being a part of the community and helping make Sunnyvale a great place. And since I don't plan to run for office again, this is as close as I'm going to get to influencing the city charter, aside from voting on it.

2. What skills or attributes can you bring to the Charter Review Committee?

I bring eight years of council experience, including a year as vice mayor and a two years as mayor. Having served on the council, I bring a deep understanding of what happens when a seat needs to be filled, either on a permanent or temporary basis, having been through the process twice on the dais. I have also read the city charter all the way through and am familiar with the contents.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

UC San Diego, BA in Russian Studies, BA in Communications/Santa Clara University, MBA  
10 years professional experience in high tech (Cisco, Lucent), nonprofits (California Society of CPAs) and journalism (Palo Alto Times Tribune, The Moscow Times)

4. Briefly describe your current or last occupation.

I'm currently the president of the Sunnyvale Education Foundation, a volunteer position supporting schools in the Sunnyvale School District.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes, I've attended many city council meetings. I can't even begin to list all the things I've learned but I hope they made me a better council member and a better citizen. I don't have any suggestions for improvement at this time.

6. Describe your involvement in community activities, volunteer and civic organizations.

Most of my community involvement for the last decade has been with my children's schools. I served on the board of my children's preschool. I was also a founding member of the Fairwood Explorer Alliance, the parent/teacher organization at Fairwood Explorer Elementary School in Sunnyvale, and a weekly parent volunteer at their schools. I'm also the co-leader/treasurer of my daughter's Girl Scout troop.

I am also the founding president of the Sunnyvale Education Foundation, now in its third year of operation, and I organized for the Sunnyvale Centennial Parade in 2012. Prior to my council tenure, I attended Leadership Sunnyvale (class of 1997); volunteered with Jewish Community Services, helping to acclimate recent Russian Jewish refugees; and was a coach for a girls social action team with Girls for a Change.

Applicant Name: Melinda Hamilton

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

None at all.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant



Date 11/17/2017

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/10/17</u>
Voter registration Checked:	<u>11/13/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	<u>Henrick</u>	<u>Arthur</u>	<u>W</u>
	Last	First	M.I
Current Residence	<u>[REDACTED]</u>	<u>Sunnyvale</u>	<u>CA</u>
	Street	City	State
Email Address:	<u>[REDACTED]</u>		
Phone Number:	<u>[REDACTED]</u>		
How long have you been a resident of Sunnyvale?	<u>20 years</u>		
Are you a currently-registered voter in Sunnyvale?	<u>Yes</u>	When was the last time you voted?	<u>Month/Year 11/2016</u>
Have you previously served as a City Councilmember?	<u>No</u>		
If yes, when?	<u></u>	Term served	<u></u>
	<u></u>	Term served	<u></u>
Have you served on a previous City of Sunnyvale Charter Review Committee?	<u>No</u>		
If yes, in what year?	<u></u>		
Are you currently serving or have you served on a City of Sunnyvale board or commission?	<u>No</u>		
If yes, which one?	<u></u>	Term currently serving	<u></u>
		Term previously served	<u></u>
Are you currently serving or have you served on a City of Sunnyvale staff advisory committee?	<u>No</u>		
If yes, which one?	<u></u>	Term currently serving	<u></u>
		Term previously served	<u></u>

Applicant Name: Arthur Henrick

1. What motivated you to apply for the Charter Review Committee?

I remember the Approximately \$700,000 spent on a special election for a Council Seat in my area. I believe this was to fill a spot for only 3 months. This was a rather expensive endeavour.

2. What skills or attributes can you bring to the Charter Review Committee?

I am active in my church on a few committees: Building, finance and audit committees. I live local and wish to partake in a more active role in civil government.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

I have a BS in Biochemistry and currently, a Senior Validation Engineer in the Medical Device Industry. I write complex documents and fine issues in Software.

4. Briefly describe your current or last occupation.

I write complex documents and fine issues in Software. I work with engineers and managers to complete tasks on time and accurately.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I have attended a few City Council meeting concerning the down town mall (still not finished). Also, a meetings about building so many homes in my area recently.

6. Describe your involvement in community activities, volunteer and civic organizations.

Currently, minimal involvement but wish to be a more active member.



Applicant Name: Arthur Henrick

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

None. No issues what so ever.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant

[Signature] Date 11/10/2017

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

<b>Office Use Only</b>	
Date Received:	<u>11/17/17</u>
Voter registration Checked:	<u>11/17/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	<u>Hopkins</u>	<u>Dawn</u>	<u>D.</u>	
	Last	First	M.I.	
Current Residence	<u>[REDACTED]</u>	<u>Sunnyvale</u>	<u>CA</u>	<u>94087</u>
	Street	City	State	Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 3 years

Are you a currently-registered voter in Sunnyvale?

When was the last time you voted?  
Month/Year Nov/2016

Have you previously served as a City Councilmember?

If yes, when? _____	Term served	_____
_____	Term served	_____

Have you served on a previous City of Sunnyvale Charter Review Committee?

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission?

If yes, which one? <u>Heritage Preservation Commission</u>	Term currently serving	_____
	Term previously served	<u>2015-2019</u>
		<u>Apr 2006-2008</u>

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee?

If yes, which one? _____	Term currently serving	_____
	Term previously served	_____

1. What motivated you to apply for the Charter Review Committee?

I believe it is important to be active in the community and without having to run a campaign this seems like a good way to contribute. It'll be a learning experience and I love learning.

2. What skills or attributes can you bring to the Charter Review Committee?

I'm very curious and ask lots of questions. I've never participated in a charter review and look forward to learning from the experience and make a contribution to the City I was born and raised in. I work well with others and enjoy doing research.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

BA in Architectural Studies and Studio Art Minor from Connecticut College, MPA in Public/Nonprofit Management from Cornell University, and graduated from Leadership Sunnyvale.

4. Briefly describe your current or last occupation.

I worked for the Carnegie Foundation for the Advancement of Teaching as a Program Coordinator serving multiple program areas.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

As an active commissioner, I regularly attend commission meeting. I've learned that I'm a better informed citizen because I serve on a commission and have presentation about what is happening in the City, like the Civic Center Project. My suggested improvement is a summary page of commission recommendations being given to City Council along with a brief summary of both the vote and discussion on the item.

6. Describe your involvement in community activities, volunteer and civic organizations.

I was a volunteer soccer coach with Sunnyvale Soccer Alliance for three years. I volunteer through my alumni groups both for organized volunteer events and coordinating alumni events. For two years, I managed the annual fundraising event for Soccer Silicon Valley. I also volunteer with Jewish Family and Children Services, the Board of my HOA and as a transporter for a few dog rescue groups. I'm serving for the second time on the Heritage Preservation Commission.

Applicant Name: Dawn Hopkins

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I do not have any concerns.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant \_\_\_\_\_

Date 11/17/17

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/8/17</u>
Voter registration Checked:	<u>11/13/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	Howe	John	N
	Last	First	M.I
Current Residence	<div style="background-color: black; width: 150px; height: 1.2em;"></div>	Sunnyvale	CA 94087
	Street	City	State Zip
Email Address:	<div style="background-color: black; width: 100px; height: 1.2em;"></div>		
Phone Number:	<div style="background-color: black; width: 100px; height: 1.2em;"></div>		
How long have you been a resident of Sunnyvale?	<u>40 years</u>		
Are you a currently-registered voter in Sunnyvale? Yes	<input checked="" type="checkbox"/> When was the last time you voted? Month/Year <u>06/2016</u>		
Have you previously served as a City Councilmember? Yes	<input checked="" type="checkbox"/>		
If yes, when?	<u>November 2001 to November 2005</u>	Term served	<u>4 years - Council and Mayor</u>
	<u>November 2005 to January 2010</u>	Term served	<u>4 years - Council</u>
Have you served on a previous City of Sunnyvale Charter Review Committee? Yes	<input checked="" type="checkbox"/>		
If yes, in what year?	<u>6/1/07</u>		
Are you currently serving or have you served on a City of Sunnyvale board or commission? Yes	<input checked="" type="checkbox"/>		
If yes, which one?	<u>Planning Commission</u>	Term currently serving	<u>June 2020</u>
		Term previously served	<u>June 1994 to November 01</u>
Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No	<input checked="" type="checkbox"/>		
If yes, which one?	<u></u>		
		Term currently serving	<u></u>
		Term previously served	<u></u>

1. What motivated you to apply for the Charter Review Committee?

Some past experience with Council, including the time when Councilmember Otto Lee was activated into the military and we needed to appoint a Councilmember for about one year.  
The past issue of a Councilmember resigning just before the term end and the Council appointing a replacement - and a cost of \$795,000 for an election - we just need to do better as a City.

2. What skills or attributes can you bring to the Charter Review Committee?

Council/Mayor - interest in our City. The ability to work well with diverse groups/individuals.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

BS University of Santa Clara. Government Administration/Political Science.

4. Briefly describe your current or last occupation.

Realtor/Enrolled Agent, Assessment Appeals Board Santa Clara County.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes - Planning Commission. After 7 years of "retiring" from the Council, a year ago I was appointed to the Planning Commission - this is a real education. Planning issues from 1994 to 2010 - then an appointment - different people - different issues - different rules - yet remembering some of the exact same issues from years before.

6. Describe your involvement in community activities, volunteer and civic organizations.

Some are listed above. Also LAFCO, Recycling and Solid Waste, Leadership Sunnyvale, Sunnyvale Chamber of Commerce, President of Fremont Union High School Foundation.

Applicant Name: John Howe

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I have agreed to and follow the Code of Ethics.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant

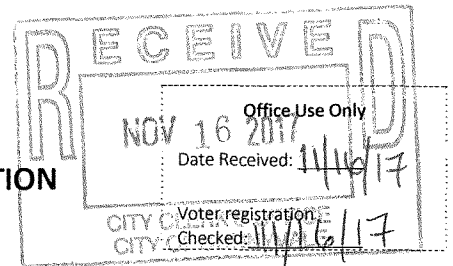


Date

11/4/17

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**



Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name: Ketzel Marc  
Current Residence: [Redacted] Sunnyvale CA 94087  
Street City State Zip

Email Address: [Redacted]

Phone Number: [Redacted]

How long have you been a resident of Sunnyvale? 32 years

Are you a currently-registered voter in Sunnyvale? Yes

When was the last time you voted?  
Month/Year Nov 2016

Have you previously served as a City Councilmember?

If yes, when? \_\_\_\_\_ Term served \_\_\_\_\_  
\_\_\_\_\_ Term served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee?

If yes, in what year? No

Are you currently serving or have you served on a City of Sunnyvale board or commission?

If yes, which one? Personnel Board -- two terms Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee?

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_



Marc Ketzel  
Applicant Name: \_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?

Seems like the current charter is out of date, and it could be updated to avoid unnecessary administration and cost of holding special elections

2. What skills or attributes can you bring to the Charter Review Committee?

- 1) Political Science (Dual Major) Degree from University of Kansas
- 2) As part of the Personnel Board, we went through the process to update some of the administrative guidelines and policies.
- 3) Extensive private sector experience with employee and management committees to address issues.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

BGS Degree from University of Kansas with double major in Political Science and Personnel Administration.  
MS Degree from University of Wisconsin-Madison in Industrial Relations.

4. Briefly describe your current or last occupation.

VP HR at Samsung Research America

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes. Support the practice to allow residents to comment on issues within the City.

6. Describe your involvement in community activities, volunteer and civic organizations.

Active volunteer at DCP Charter School in San Jose, Second Harvest and Habitat for Humanity. I also led the Corporate Citizenship Committee at Samsung Research.

Marc Ketzel  
Applicant Name: \_\_\_\_\_

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

No concerns. I have reviewed previously as part of the Personnel Board.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

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Signature of Applicant



Date 11-15-17

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	11/17/17
Voter registration Checked:	11/17/17

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	Mehlinger	Richard	F
	Last	First	M.I
Current Residence	██████████	Sunnyvale	CA 94089
	Street	City	State Zip

Email Address: ██████████

Phone Number: ██████████

How long have you been a resident of Sunnyvale? 6 years

Are you a currently-registered voter in Sunnyvale? Yes ☐

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? No ☐

If yes, when?	Term served	
	Term served	

Have you served on a previous City of Sunnyvale Charter Review Committee? No ☐

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? No ☐

If yes, which one?	Term currently serving	
	Term previously served	

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No ☐

If yes, which one?	Term currently serving	
	Term previously served	

1. What motivated you to apply for the Charter Review Committee?

I was motivated to apply for the Charter Review Committee by the absurdity and expense of last year's special election. This was fundamentally the result of a bug in our city charter: a point in a councilmember's term where a resignation forced a special election despite an upcoming general election a mere three months later. This cost our community nearly a million dollars, which could have been spent on the arts, housing, public safety, or any of a host of other worthy causes.

2. What skills or attributes can you bring to the Charter Review Committee?

Like many in the Bay Area, I'm an experienced software engineer. I routinely work with systems with many and complicated states. Those states must be fully enumerated, and the systems I work with must behave correctly in all of them. Unlike most software engineers, however, I double majored and then earned an M.A. in history. During those studies, I focused on the role simulations played in human organizations and decision making. Because of my academic background and professional experience, I feel like I would offer a valuable perspective to the Charter Review Committee, since the task of redesigning our vacancy policy is at once mathematical and human.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

M.A., History, UC Riverside, 2011

B.S., Computer Science/History, Harvey Mudd College, 2009

4. Briefly describe your current or last occupation.

I'm currently a software engineer at Dropbox, working as a full stack web developer on their business product. Prior to that, I was a technical team lead at Infer, a machine learning startup based in Mountain View.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I've attended a number of City Council meetings, both in Sunnyvale and elsewhere. I'd say the most important thing I've learned is the extraordinary value of staff and commission reports to the council's decision making process, as well as the importance of public comment: the councilmembers genuinely do consider and reflect on both written and oral public comment. The only improvement I'd suggest is this: when the council knows well in advance that a meeting agenda is likely to extend into the wee hours, they should split the meeting up over two consecutive nights. I've been at council meetings (not in Sunnyvale) that went so late that the council was visibly impaired by exhaustion, and clearly not exercising their best judgment. Far better for such sessions to continue the next evening.

6. Describe your involvement in community activities, volunteer and civic organizations.

I am active in Livable Sunnyvale, the Sunnyvale Democratic Club, and St. Cyprian's Parish Faith and Justice committee. I've spoken to the city council on behalf of the Faith and Justice committee a number of times (though, to be clear, I keep these hats strictly separate, and would treat the Charter Review Committee likewise). In addition, I'm involved with Elevate Tutoring, a South Bay organization which employs first generation college students as tutors for underprivileged high school students, while at the same time providing mentoring and career guidance to their tutors. I am looking to become more involved in local government and civic society, and the Charter Review Commission seems like an excellent starting point.

Applicant Name: Richard Mehlinger

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I have no concerns with the city code of ethics and conduct.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

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Signature of Applicant



Date 11/11/2017

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/17/17</u>
Voter registration Checked:	<u>11/17/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

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Applicant Name:	<u>Richey</u>	<u>Amanda</u>	<u>R</u>
	Last	First	M.I
Current Residence	<u>[REDACTED]</u>	<u>Sunnyvale</u>	<u>CA 94085</u>
	Street	City	State Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 1.5 years

Are you a currently-registered voter in Sunnyvale? Yes

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? No

If yes, when? _____	Term served	_____
_____	Term served	_____

Have you served on a previous City of Sunnyvale Charter Review Committee? No

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? No

If yes, which one? _____	Term currently serving	_____
	Term previously served	_____

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No

If yes, which one? _____	Term currently serving	_____
	Term previously served	_____

1. What motivated you to apply for the Charter Review Committee?

As a new resident, I am looking for opportunities to be involved with my community and, as a tax payer, I am interested in ensuring that tax dollars are spent in the most efficient manner. I first heard of this opportunity from my husband, who serves on the Personnel Board, and in a subsequent email from Lisa Natusch (Deputy City Clerk) to previous applicants to City boards and commissions. After researching the issue, I understand the need to evaluate the current Charter and I would like to be part of finding a solution for our City.

2. What skills or attributes can you bring to the Charter Review Committee?

I am a corporate lawyer and my professional skills focus on analyzing and understanding issues in order to craft language in contracts to solve certain issues and prevent certain outcomes within the broader context of applicable law. These skills are necessary to (i) understand how Charter Section 604 resulted in an \$800,000 spend for the City, (ii) explore and analyze alternatives to identify a better approach that avoids costly special elections, and (iii) propose and draft a revised Charter that achieves the goals of the City Council. Additionally, I understand it will be a large committee with 11 members. I manage large teams in strategic transactions, which requires detailed organization and collaboration amongst various specialists and experts. My organizational skills and my ability to work in a collaborative environment will attribute to creating a successful committee.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

Santa Clara University School of Law, J.D., Law (2010-2013), summa cum laude

The College of Idaho, International Political Economy and Theater major, Music minor (2005-2009), cum laude

4. Briefly describe your current or last occupation.

Ropes & Gray, Associate (October 2013 - Present). I am an intellectual property corporate lawyer and represent clients in business and intellectual property transactions, including technology licensing and transfer, mergers and acquisitions, supply and distribution arrangements, and other strategic commercial arrangements.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I have listened to City Council meetings and Housing and Human Services Commission meetings. My only suggestion would be to expand the required notice obligations for certain new developments in the instance of surrounding residential areas. I became more engaged in City Council meetings during certain phases of the Peery Park development, where I felt more residents within SNAIL should have received formal notice of certain proposal.

6. Describe your involvement in community activities, volunteer and civic organizations.

In Sunnyvale, I volunteer at the legal clinic the Columbia Neighborhood Center. Additionally, I do pro bono legal work for Centro Legal de la Raza, representing a mother and her three daughters in her ongoing asylum case, and Peninsula Bridge, an organization that transforms the lives of highly motivated, low income students by preparing and supporting them for success in college preparatory high schools, representing and advising families in ongoing legal and immigration matters.

Applicant Name: Amanda Richey

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

No.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

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Signature of Applicant



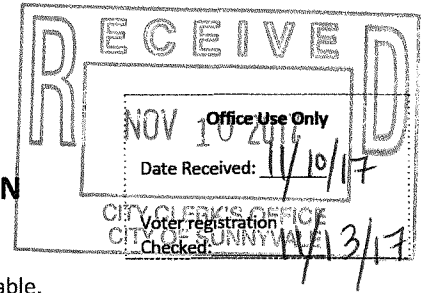
Date

11/14/17

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**



Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name: Scandalis Stephen A.  
Last First M.I.  
Current Residence [Redacted] Sunnyvale CA 94087  
Street City State Zip

Email Address: [Redacted]

Phone Number: [Redacted]

How long have you been a resident of Sunnyvale? Over 40 years

Are you a currently-registered voter in Sunnyvale? Yes

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? No

If yes, when? \_\_\_\_\_ Term served \_\_\_\_\_  
\_\_\_\_\_ Term served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee? No

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? No

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
\_\_\_\_\_ Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
\_\_\_\_\_ Term previously served \_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?

**\*\* See Attached Supplemental Page \*\***

2. What skills or attributes can you bring to the Charter Review Committee?

Expertise with cross-functional teams and legal contracts. Experienced with study groups, municipal codes and elections law. Creative, detail oriented, self-motivated and proactive.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

- \* Bachelor of Science, Electronics Engineering Technology, DeVry Institute of Technology, Phoenix, Arizona
- \* Project Management Professional, PMP, Project Management Institute, 2003-2010
- \* Steering Team member, 2016 Sunnyvale Measure M, Sunnyvale Public Lands Act
- \* Year Round School Study Committee, Cupertino Union School District

4. Briefly describe your current or last occupation.

Last position: Technical Program Manager, Nvidia Corporation. Manage internal and external cross-functional teams across development engineering, product marketing, operations and sales for timely development and delivery of notebook graphics programs. Determine and drive strategy and tactics, schedules and deployment.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

**\*\* See Attached Supplemental Page \*\***

6. Describe your involvement in community activities, volunteer and civic organizations.

Involvement in volunteer, community activities and civic organizations has included:

- \* Board of Directors Associate, IEEE Technology and Engineering Management Society, Santa Clara Valley chapter
- \* Steering Team member, 2016 Sunnyvale Measure M, Sunnyvale Public Lands Act
- \* Scouting leader, Boy Scouts of America 20+ years
- \* Sunnyvale SNAP graduate.
- \* Registered Sunnyvale Emergency Services Volunteer.
- \* 2016 Twin Pines Manor Apartments fire: Responded to Sunnyvale Public Safety emergency call out for SNAP team assistance to escort residents to retrieve critical belongings and medicines from damaged and evacuated apartments.
- \* Occasional volunteer at Sunnyvale Community Services
- \* Year Round School Study Committee, Cupertino Union School District
- \* Youth sports coach

Applicant Name: Stephen Scandalis

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

No concerns.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

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Signature of Applicant



Date

11/10/17

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**Supplemental Page for Stephen Scandalis**  
**CITY OF SUNNYVALE**  
**CHARTER REVIEW COMMITTEE APPLICATION**

**1) What motivated you to apply for the Charter Review Committee?**

I would like to help determine whether an amendment to the City Charter Section 604 (Filling Vacancies in Council Seats) can be developed to reduce the likelihood of edge cases causing the need for a special election to fill a council vacancy while 1) maintaining and respecting the voter intent in passing Proposition D on the November 4, 1975 Sunnyvale Municipal Election and 2) to avoid conveying additional appointment capabilities to the city council.

I believe it is imperative to maintain and respect the intent of Sunnyvale voters who passed citizen initiative Proposition D on the November 4, 1975 Sunnyvale Municipal Election. Proposition D required a charter amendment that vacancies be filled by election, except in the case of a death resulting in an unexpired term of six months or less. The 1975 measure was proposed, qualified and approved to avoid any increase of the large number of council vacancies and unelected appointments which were occurring, many through council member resignations. These occurrences lead to several council appointments and seatings of unelected council members. This caused an appearance of trying to game the system and the creation of a mechanism to favor certain appointees to fill vacancies and an attempt to create an incumbency advantage at the next general election.

**5) Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.**

Yes, I have attended many Sunnyvale city council, board and commission and study group meetings since the 1970's. What I've learned is:

1) Agenda items and study group hearings draw greater public participation and better participation and input from the public when staff reports, consultant reports and council comments and discussions are more succinct and brief. When this is achieved it allows more time for the public to comment and weigh in on topics and helps everyone better follow the proceedings.

2) Topics of high interest to the public are better attended when scheduled early on agendas. City council and staff, as well as members of the public, are fresher and engage more constructively when high interest agenda topics are scheduled earlier.

3) Continued and renewed efforts to end all council meetings by 11:00 PM helps maintain greater public participation and reduces burn-out of city staff, council members and the public. Council meetings which run too late risk having an empty gallery or just 1-2 people remaining because of running too late.

**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	11/6/17
Voter registration Checked:	11/7/17

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	Singh	Avanindar	P.
	Last	First	M.I
Current Residence	[REDACTED]	Sunnyvale	CA 94087
	Street	City	State Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? Since 12-15

Are you a currently-registered voter in Sunnyvale? Yes ☒

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? No ☒

If yes, when?	Term served	
	Term served	

Have you served on a previous City of Sunnyvale Charter Review Committee? No ☒

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? Yes ☒

If yes, which one?	<u>Housing &amp; Human Services Commission</u>	Term currently serving	<u>3/2017 (expires 6/18)</u>
		Term previously served	

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No ☒

If yes, which one?	Term currently serving	
	Term previously served	

Singh, Avanindar  
Applicant Name: \_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?

I am currently vice chair of the Housing & Human Services Commission. It has been a very rewarding form of public service. I enjoy learning about complex issues (including how services are delivered/systems design), balancing tradeoffs, and deliberating with a group about recommendations for another body (the Council). I believe that the subject matter of this Charter Review Committee is important and would like to participate with other community members to evaluate options (including remaining with the current rules) for improving our community when it comes to filling vacancies.

2. What skills or attributes can you bring to the Charter Review Committee?

From my experience on the Commission, I believe I possess the following skills that would fit well with the work of the Committee: (1) actively listening to others and considering their viewpoints, (2) not having rigid opinions about how to design systems including considering costs, benefits, and collateral effects, (3) eagerness to learn about and scrutinize how other communities handle this issue.

Much of my work as an attorney focuses on advising people about options. I do not make final decisions. I work hard to understand my clients' goals, to consider the strengths and weaknesses of different approaches, and to provide my clients with informed advice. In many ways, that appears to be the work of the Charter Review Committee with the client being the City of Sunnyvale (its council and citizens).

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

Juris Doctorate, cum laude, Harvard University 2009

B.A., political science and philosophy with highest honors, University of California, Davis 2006

Trainings related to participation on Housing & Human Services Commission (including chair/vice chair training)

4. Briefly describe your current or last occupation.

I am a deputy public defender with the Office of the Public Defender in Santa Clara County. I have handled serious felony matters at every stage (arraignment, plea, preliminary examination, motions, trial, sentencing). I am currently in a unit where I advise other attorneys on complex legal issues, provide training, and litigate motions (including motions to dismiss and motions to suppress evidence).

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes. I attended a Council meeting when I was sworn in. I have watched meetings online. Prior to my appointment, I attended Housing Commission meetings to learn how they operate. I learned about the importance of listening. There have been times where I review materials and form an opinion. After listening to members of the public (with different perspectives) my views have shifted. But that only occurs by being fully engaged with the community members. I would consider more use of video recording of commission meetings.

6. Describe your involvement in community activities, volunteer and civic organizations.

I am in my fourth year of coaching Mock Trial at Mountain View High School. I work with a class of approximately 20 students. The students put on a trial by playing witnesses, conducting examinations, and participating in legal argument. We have been able to trace the development of students from 9th to 12th grade. It has been very rewarding.

I am active with Asian Pacific Islander Minority bar associations. I was previously co-chair of the judicial endorsements committee of APABA-SV. I participated with a coalition of API bar associations on the judicial endorsement process where we interviewed applicants for appointment and election. I am currently chair of the policy committee of the Asian American Criminal Trial Lawyers' Association.

I produce a podcast on issues of criminal justice and society. The podcast is a hobby, but it has been a rewarding way to engage in a public discussion about criminal justice reform.

Applicant Name: Singh, Avanindar

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant

  
\_\_\_\_\_

Date 11/6/2017

*Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours in advance of your scheduled interview.*

**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/8/17</u>
Voter registration	
Checked:	<u>11/13/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name: STEWART JR WILLIAM G

Current Residence: [REDACTED] [REDACTED] [REDACTED] [REDACTED] SUNNYVALE CA 94089-1623

Street City State Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 6 MONTHS

Are you a currently-registered voter in Sunnyvale? YES

When was the last time you voted?  
Month/Year WHENEVER A BALLOT  
WAS MADE AVAILABLE. I DO  
NOT REMEMBER SPECIFIC  
DATES. BUT, I ALWAYS VOTE.

Have you previously served as a City Councilmember?

If yes, when? NO Term served \_\_\_\_\_  
Term served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee?

If yes, in what year? NO

Are you currently serving or have you served on a City of Sunnyvale board or commission?

If yes, which one? NO Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee?

If yes, which one? NO Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_



1. What motivated you to apply for the Charter Review Committee?

I BELIEVE SUNNYVALE IS THE BEST CITY I HAVE EVER RESIDED IN, AND I WANT ONLY THE BEST FOR ALL OUR CITIZENS.

2. What skills or attributes can you bring to the Charter Review Committee?

I HAVE SERVED IN OFFICIAL POSITIONS OF MANY COMMITTEES OVER THE YEARS. I HAVE ALSO SERVED AS PRESIDENT OF A HOMEOWNER'S ASSOCIATION AND A CITY PLANNING COMMITTEE. I AM WELL PREPARED WITH PLenty OF TIME (I AM RETIRED) AND SUBBURB ORGANIZATIONAL SKILLS.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

3 PRIMARY CAREERS: 1) CIVIL ENGINEER, BUILDING ROADS AND BRIDGES; 2) AIR TRAFFIC CONTROLLER; AND 3) VIRTUALLY EVERY PHASE OF THE COMPUTER INDUSTRY.

4. Briefly describe your current or last occupation.

CURRENTLY RETIRED (SINCE 1993)

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I HAVE NO SPECIFIC AGENDA... OPEN TO REQUESTS FOR EVALUATION.

6. Describe your involvement in community activities, volunteer and civic organizations.

- PRESIDENT, SAN DIEGO <sup>AIRSPACE</sup> AVIATION USERS GROUP, WORKING WITH THE FAA AND LOCAL GOVERNMENT TO EVALUATE AND RECOMMEND CHANGES TO THE LOCAL AIRSPACE.
- PRESIDENT, HERITAGE SQUARE HOMEOWNERS ASSOCIATION, 516 HOMES
- CHAIRMAN, ATLANTA MACINTOSH USERS GROUP, TOOK GROUP FROM 300 TO 3,000 MEMBERS.
- PRESIDENT, SAN DIEGO EASTERN AREA PLANNING COMMITTEE, HELD PUBLIC MEETINGS TO CONSIDER AND COMMENT ON LOCAL DEVELOPMENT.

Applicant Name: \_\_\_\_\_

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

NB

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant



Date

11/1/17

*Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the n interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours in advance of your scheduled interview.*

**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/17/17</u>
Voter registration Checked:	<u>11/17/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name: Stone Laurence E.

Current Residence: [Redacted] Sunnyvale, CA 94081  
Street City State Zip

Email Address: [Redacted]

Phone Number: [Redacted]

How long have you been a resident of Sunnyvale? 47 years

Are you a currently-registered voter in Sunnyvale? Yes. When was the last time you voted?  
Month/Year 11/16

Have you previously served as a City Councilmember? Yes.

If yes, when? 1975-1983 1985-1993 Term served 16 1/2 yrs, 3 years as Mayor  
Term served

Have you served on a previous City of Sunnyvale Charter Review Committee?

If yes, in what year? Twice, can't recall years

Are you currently serving or have you served on a City of Sunnyvale board or commission? No

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Applicant Name: Lawrence Stone

1. What motivated you to apply for the Charter Review Committee?

⊗ PLEASE SEE ATTACHED PDF FOR ANSWERS.

2. What skills or attributes can you bring to the Charter Review Committee?

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

4. Briefly describe your current or last occupation.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

6. Describe your involvement in community activities, volunteer and civic organizations.

Applicant Name: Lawrence Stone

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086**

Signature of Applicant



Date 11-17-17

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SUNNYVALE CHARTER COMMITTEE APPLICATION  
for Lawrence E. Stone  
Friday, November 17, 2017

1. What motivated you to apply for the Charter Review Committee?

Carmen and I selected Sunnyvale as our home 40 years ago. Within a very few years, we became passionate boosters and supporters of all things Sunnyvale, and have remained deeply committed to the city's future and success. As Sunnyvale's charter is akin to a government constitution, I am applying to serve on this committee to make sure that the Charter remains relevant and fresh for modern times and changing mores.

2. What skills or attributes can you bring to the Charter Review Committee?

I believe I can serve as a bridge to the history of the City Charter helping fellow Charter Committee Members, Councilmembers and the public better understand the strengths and weaknesses of the various ideas and suggestions for change. I have seen most of them during my 40-year service to Sunnyvale and Santa Clara County.

I have always kept an open mind. As demonstrated in my current capacity as the Santa Clara County Assessor, and previously as a Councilmember and Mayor of Sunnyvale, I have listened and remained open to ideas for

change. My willingness to work collaboratively and consider all sides has been a strength recognized by the voters in ten successful elections, four in Sunnyvale and six in Santa Clara County.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

Please see the attached vitae. Over 40-year career, in addition to elected office, I have served as a founder, chair or board member of dozens of community and civic organizations. As an elected official and as a volunteer, I have had considerable experience in building consensus and navigating the often controversial issues that will come before the Charter Review Committee.

4. Briefly describe your current or last occupation.

I currently serve as the elected Santa Clara County Assessor, a position I have held for 23 years. In addition, I co-founded a successful Bay Area real estate investment and development firm.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

I do not bring to the Committee an agenda or specific proposals. Instead, I believe it is critical for members to be open to new ideas, and examine the City Charter in its entirety for its relevancy.

6. Describe your involvement in community activities, volunteer and civic organizations.

I encourage you to review my vitae which provides a few examples of my deep commitment to community service, including as a member of the Board for the Sunnyvale Chamber of Commerce; bringing Hands on the Arts Festival to Sunnyvale, which celebrates its 30<sup>th</sup> year in 2018; co-sponsoring Sunnyvale's arts commission, and earlier this year receiving the Murphy Lifetime Community Contribution Award from the Sunnyvale Chamber of Commerce.

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

Absolutely no concerns; I strongly support.



**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	<u>11/17/17</u>
Voter registration Checked:	<u>11/17/17</u>

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name:	<u>Walker</u>	<u>Jack</u>	<u>A</u>	
	Last	First	M.I	
Current Residence	<u>[REDACTED]</u>	<u>Sunnyvale</u>	<u>CA</u>	<u>94087</u>
	Street	City	State	Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 32 years

Are you a currently-registered voter in Sunnyvale? Yes

When was the last time you voted?  
Month/Year                     

Have you previously served as a City Councilmember? Yes

If yes, when?	<u>1995 - 2003</u>	Term served	<u>8 years</u>
		Term served	

Have you served on a previous City of Sunnyvale Charter Review Committee? No

If yes, in what year?                                     

Are you currently serving or have you served on a City of Sunnyvale board or commission? Yes

If yes, which one?	<u>Planning Commission</u>	Term currently serving	
		Term previously served	<u>1991-1994</u>

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No

If yes, which one?	<u>                                    </u>	Term currently serving	
		Term previously served	

Applicant Name: Jack Walker

1. What motivated you to apply for the Charter Review Committee?

I am concerned about the recent unscheduled vacancy on the Council and want to review the Charter's provisions related to filling a future vacancy.

2. What skills or attributes can you bring to the Charter Review Committee?

Having served on the Council and Planning Commission, I understand the issues of concern. Having worked with the public before, during and after my service on the Council, I also understand and appreciate the need for public input on all governmental issues.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

See attached VITA

4. Briefly describe your current or last occupation.

I currently am employed by Stellartech Research Corporation in Milpitas, CA as a Engineering Project Manager

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

6. Describe your involvement in community activities, volunteer and civic organizations.

I currently serve on the Fremont Union High School District's Bond and Parcel Tax Citizens' Oversight Committee. For previous activities, see the attached VTA

Applicant Name: Jack Walker

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

I've no concerns.

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant



Date 11/17/2017

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## VITA

### Jack Walker

#### Personal:

Born: Los Angeles, California, [REDACTED]

Sunnyvale Resident since 1982

Children: Jennifer, 33, Leah, 27

Current Address: [REDACTED]

Current Telephone: [REDACTED]

Current email: [REDACTED]

#### Education:

BSEE, California Polytechnic San Luis Obispo, 1982

#### Public Service:

Member, Fremont Union High School District's Bond and Parcel Tax Citizens' Oversight Committee, 2016-present

Member, Fremont Union High School Measure B Oversight Committee 2008-2014  
Committee Co-Chair, 2008-2012

Member Sunnyvale Chamber of Commerce, 2007 - present

Board Member, Sunnyvale Chamber of Commerce, 2007 -2011

Chair, Sunnyvale Chamber of Commerce, 2009-2010

Sunnyvale City Council: 1995 – 2003

Council Subcommittees:

Chair, Telecommunications subcommittee

Chair, Council Policies, Procedures and Protocols subcommittee

Santa Clara County Solid Waste Commission: 1996-2003

Vice Chair: 2003

Santa Clara County Water Commission: 1996-2000

Santa Clara County Northwest Flood Control District: 1996-2003

Chair: 1999/2000

Santa Clara County North Central Flood Control District: 1996 - 1998

Santa Clara County Transportation Agency Policy Advisory Board: 1996-1997

Santa Clara County Transportation Agency Tasman West Advisory Board: 1996-1999

League of California Cities, Peninsula Division: 1995-2003

President: 1999

Member, League of California Cities Environmental Quality Policy Committee: 1996 - 2000

Member, Moffett Field Restoration Advisory Board, 1997-1999

Member, Moffett Field Community Advisory Committee, 1996

Sunnyvale Planning Commission, 1991-1994

Chair: 1994

Leadership Sunnyvale, 1991

President, Raynor Park Neighborhood Association 1987, 1989

#### Current Employment:

Project Engineering Manager, Stellartech Research Corporation

#### Patents:

- US Patent # 4,524,314

"Rear Travel Guidance System" - This patent covers work I did for Logisticon/Portec in developing a new steering algorithm for their electronic vehicle guidance/steering products.

- US Patent # 5,123,417

"Apparatus and Method for Displaying Ultrasonic Data" - This patent is the result of a project to develop a display system for 2-Dimensional ultrasonic doppler information.

CITY OF SUNNYVALE

CHARTER REVIEW COMMITTEE APPLICATION

Office Use Only

Date Received: 11/17/17

Voter registration

Checked: 11/17/17

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408)

730 - 7483, cityclerk@sunnyvale.ca.gov with any questions.

IMPORTANT NOTICE

Information provided on this application becomes a public record after it is officially filed. This document will be


published to the City website with the interview materials. Personal contact information will be redacted.

Applicant Name:

Last First M.I

Weiss, Carol L.

Current Residence

 Sunnyvale, CA 94087

Street City State Zip

Email Address:



Phone Number:



How long have you been a resident of Sunnyvale? 41 years

Are you a currently - registered voter in Sunnyvale? Yes When was the last time you voted?

Month/Year 11/17

Have you previously served as a City Councilmember? No

If yes, when? Term served

Have you served on a previous City of Sunnyvale Charter Review Committee? \_\_Yes\_\_

If yes, in what year? 2011

Are you currently serving or have you served on a City of Sunnyvale board or commission?  
\_Yes\_\_

If yes, which one? Term currently serving Planning Commission

Term previously served N/A

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee?  
\_\_\_\_No\_\_

If yes, which one? Term currently serving N/A

Term previously served N/A

Page 2 of 3

Applicant Name: \_Carol L. Weiss\_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?

For the past year and a half, I have been aware of a problem in the current charter that needs to be addressed and I want to be part of the solution that this Charter Review Committee will address.

2. What skills or attributes can you bring to the Charter Review Committee?

I served as Chair of a past Charter Review Committee, in 2011, and had to draw upon as well as rein in the divergent and often conflicting personalities that served on that committee with me and arrive at a solution and at consensus.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

B.A. Vassar College Minor in Political Science

M.A. Northeastern University Political Science: Public Administration

Chair, Santa Clara County Drug Advisory Commission

Member, Santa Clara County Human Relations Commission, Chair of its Social Equity Committee

2011 - Chair, Sunnyvale's Charter Review Committee

4. Briefly describe your current or last occupation.

Currently, Retired.

Previously, Taught A.P. Government, Economics, U.S. History at Milpitas H.S.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes, I have attended many Council and Commission meetings. I have noted the extreme lack of diversity in the composition of these, compared with the city's population. I think the city needs to do some outreach to get more of its varied citizen groups involved. I also think the city needs examine the numbered seat system of its council, as I am concerned that it may be subject to a lawsuit similar to what a few of our neighboring cities are undergoing.

6. Describe your involvement in community activities, volunteer and civic organizations.

I refer you to my answers to questions 2 and 3.

## Page 3 of 3

Applicant Name: Carol L Weiss

Revised 10/4/2017 page 3 of 3

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe. NO

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk,

603 All America Way, Sunnyvale, CA 9408

Signature of

Date *17 November 2017*

Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730 - 7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) at least 48 hours in advance of your scheduled interview.

**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	11/17/17
Voter registration Checked:	11/17/17

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

**IMPORTANT NOTICE**

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Applicant Name: Ybarra David

Current Residence: [Redacted] Last [Redacted] Street Sunnyvale, CA 94087 First M.I. State Zip

Email Address: [Redacted]

Phone Number: [Redacted]

How long have you been a resident of Sunnyvale? 30 yrs

Are you a currently-registered voter in Sunnyvale? yes When was the last time you voted? Month/Year Nov 2016

Have you previously served as a City Councilmember? NO

If yes, when? \_\_\_\_\_ Term served \_\_\_\_\_  
\_\_\_\_\_ Term served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee? NO

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? NO

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
\_\_\_\_\_ Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? NO

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
\_\_\_\_\_ Term previously served \_\_\_\_\_



Applicant Name: Ybarra, David

1. What motivated you to apply for the Charter Review Committee?

Prior to my retirement I served five California municipalities, including the City of Sunnyvale, in one management capacity or another. I am still interested in making local governments more effective, efficient, and accountable.

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2. What skills or attributes can you bring to the Charter Review Committee?

As a management analyst in local government, I often had to prepare proposals for consideration by City Councils or other decision making boards. I did research, took input from potentially affected communities, and analyzed data to generate proposals that could yield the desired outcomes for the municipalities I served. In Calistoga I advised the city council on the replacement of a departed Council Member when the issue was left to the council alone.

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3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

MBA – Stanford Graduate School of Business, 1974

Graduate – Program for Senior Executives in State and Local Government, JFK School, Harvard.

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4. Briefly describe your current or last occupation.

Senior Management Analyst – Washoe County, NV

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5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

6. Describe your involvement in community activities, volunteer and civic organizations.

Napa County Airport Advisory Commission – 2012-16

Napa Valley College – Citizens Bond Oversight Committee - 2006

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Applicant Name: Ybarra, David

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

NO

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**Your application is not complete until this application is completed, signed and submitted to the Office of the City Clerk, 603 All America Way, Sunnyvale, CA 94086.**

Signature of Applicant



Date Nov 17, 2017

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**

Office Use Only	
Date Received:	11/20/17
Voter registration Checked:	11/20/17

Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

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Applicant Name:	Dietrich	Hannalore		
	Last	First	M.I	
Current Residence	[REDACTED]	Sunnyvale	CA	94087
	Street	City	State	Zip
Email Address:	[REDACTED]			
Phone Number:	[REDACTED]			
How long have you been a resident of Sunnyvale?	20+ yrs			
Are you a currently-registered voter in Sunnyvale? Yes	<input checked="" type="checkbox"/>	When was the last time you voted?	Month/Year 05/2017	
Have you previously served as a City Councilmember? No	<input checked="" type="checkbox"/>			
If yes, when?		Term served		
		Term served		
Have you served on a previous City of Sunnyvale Charter Review Committee? No	<input checked="" type="checkbox"/>			
If yes, in what year?				
Are you currently serving or have you served on a City of Sunnyvale board or commission? Yes	<input checked="" type="checkbox"/>			
If yes, which one?	Heritage Preservation Commission	Term currently serving	2018	
		Term previously served		
Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? No	<input checked="" type="checkbox"/>			
If yes, which one?		Term currently serving		
		Term previously served		

Applicant Name: Hannalore Dietrich

1. What motivated you to apply for the Charter Review Committee?

Do my civic duty as a constituent in the City of Sunnyvale and remain involved in City politics.

2. What skills or attributes can you bring to the Charter Review Committee?

Assisted Jim Griffith run successfully for City Council and as Mayor in the City of Sunnyvale. Assisted Gustav Larssen with his run for City Council. Have been the Chair of the Housing Commission and am now the Chair of the Heritage Preservation Commission. Graduate of Leadership Sunnyvale and have a Masters of Public Administration.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

BA German, MPA Public Administration, volunteer - Friends of the Sunnyvale Library and formerly volunteer for the Sunnyvale Library, Intership with the City of Campbell and day in the city of Mountain View.

4. Briefly describe your current or last occupation.

Administrative Assistant - Schlumberger

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes, have attended many city council meetings and commission meetings. The City is doing a wonderful job with their city council meetings and commission meetings, especially with there is a city council liaison at the commission/board meetings.

6. Describe your involvement in community activities, volunteer and civic organizations.

Volunteer: Sunnyvale Library, Friends of the Sunnyvale Library, City of Mt. View Attorney's Office, The Tech Museum, JustServe Specialist for website JustServe.org

Applicant Name: Hannalore Dietrich

7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

No

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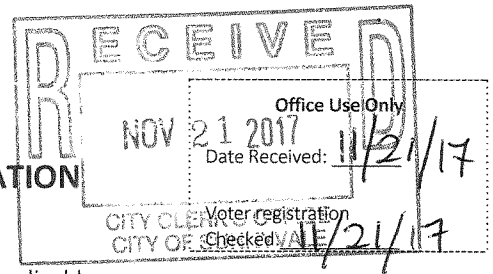
Signature of Applicant



Date 11/5/2017

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**CITY OF SUNNYVALE  
CHARTER REVIEW COMMITTEE APPLICATION**



Please print or type answers to all questions. Write N/A if not applicable.

Eligibility requirements: Sunnyvale resident and registered voter in Sunnyvale. Contact the Office of the City Clerk at (408) 730-7483, [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) with any questions.

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Applicant Name: LaManque Andrew  
Last First M.I.  
Current Residence [REDACTED] Sunnyvale CA 94087  
Street City State Zip

Email Address: [REDACTED]

Phone Number: [REDACTED]

How long have you been a resident of Sunnyvale? 13 years

Are you a currently-registered voter in Sunnyvale? **Yes**

When was the last time you voted?  
Month/Year 11/2016

Have you previously served as a City Councilmember? **No**

If yes, when? \_\_\_\_\_ Term served \_\_\_\_\_  
\_\_\_\_\_ Term served \_\_\_\_\_

Have you served on a previous City of Sunnyvale Charter Review Committee? **No**

If yes, in what year? \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale board or commission? **No**

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Are you currently serving or have you served on a City of Sunnyvale staff advisory committee? **No**

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_  
Term previously served \_\_\_\_\_

Applicant Name: \_\_\_\_\_

1. What motivated you to apply for the Charter Review Committee?

I am interested in serving and being more involved as a citizen of the city.

2. What skills or attributes can you bring to the Charter Review Committee?

I am open minded, a good listener, and have good analytical skills.

3. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve on the Charter Review Committee.

I have a BS degree in Management Science / Finance, MA in Economics, and PhD in Educational Administration. I am use to working with committee bylaws in my work.

4. Briefly describe your current or last occupation.

I currently work in education in a planning related administrative position. In the past I have worked in institutional research which requires analyzing data and understanding trends in demographic changes.

5. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

6. Describe your involvement in community activities, volunteer and civic organizations.

I have participated as a member of the School Site Council at the local elementary school.

Before moving to California I was an elected member of a rural Town Board.

Applicant Name: \_\_\_\_\_


7. The City has a Code of Ethics and Conduct for Elected and Appointed Officials that appointed members are required to follow. Do you have any concerns in this area? If so, please describe.

No

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Signature of Applicant

  
\_\_\_\_\_

Date 11/10/2017

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