



# City of Sunnyvale

## Notice and Agenda

### Charter Review Committee

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Thursday, February 8, 2018

6:00 PM

Human Resources Training Room, 505 W.  
Olive Avenue, Suite 202, Sunnyvale, CA  
94086

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#### **CALL TO ORDER**

#### **ROLL CALL**

#### **ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the committee on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow committee members to take action on an item not listed on the agenda. If you wish to address the committee, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

#### **CONSENT CALENDAR**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please submit a speaker card to the City Clerk prior to the start of the meeting or before approval of the consent calendar.*

- 1      [18-0127](#)      Approve Charter Review Committee Meeting Minutes of January 25, 2018

**Recommendation:** Approve Charter Review Committee Meeting Minutes of January 25, 2018 as submitted.

#### **GENERAL BUSINESS**

*If you wish to speak to 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.

- 2      [18-0128](#)      Discussion of Alternatives to Filling Councilmember Vacancies  
and Possible Amendments to City Charter Section 604

**Recommendation:** Staff makes no recommendation.

## **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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**18-0127**

**Agenda Date:** 2/8/2018

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**SUBJECT**

Approve Charter Review Committee Meeting Minutes of January 25, 2018

**RECOMMENDATION**

Approve Charter Review Committee Meeting Minutes of January 25, 2018 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft

### Charter Review Committee

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Thursday, January 25, 2018

6:00 PM

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

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#### **CALL TO ORDER**

Vice Chair Carol Weiss called the meeting to order at 6:02 p.m.

#### **ROLL CALL**

**Present:** 10 - Member Linda Davis, Member Hannalore Dietrich, Member Melinda Hamilton, Member Dawn Hopkins, Member John Howe, Member Marc Ketzel, Member Richard Mehlinger, Member Amanda Richey, Member Jack Walker, Vice Chair Carol Weiss

**Absent:** 1 - Chair Lawrence Stone

Committee Member Mehlinger arrived at 6:55 p.m.

#### **ORAL COMMUNICATIONS**

Steve Scandalis spoke in reference to the letter submitted by Larry Stone, and encouraged the committee to understand the reasoning why voters put forward the initiative in 1975 and how the citizens benefit from having elected officials.

Scandalis spoke in support of minimizing appointed officials and stated his interest in finding out more about modifying the process slightly to reduce cost but to also hold true to the voter intent of the 1975 election.

#### **CONSENT CALENDAR**

- 1      [18-0018](#)      Approve Charter Review Committee Meeting Minutes of January 11, 2018

MOTION: Committee Member Howe moved and Committee Member Hamilton seconded the motion to approve Charter Review Committee Meeting Minutes of January 11, 2018 as submitted.

The motion carried by the following vote:

**Yes:** 9 - Member Davis  
Member Dietrich  
Member Hamilton  
Member Hopkins  
Member Howe  
Member Ketzel  
Member Richey  
Member Walker  
Vice Chair Weiss

**No:** 0

**Absent:** 2 - Member Mehlinger  
Chair Stone

### **GENERAL BUSINESS**

- 2**      [18-0093](#)      Discussion of Common Alternatives to Filling Councilmember Vacancies and Next Steps for Charter Commission Review and Recommendation to Council Regarding Amendment of Charter Section 604

Assistant City Attorney Melissa Tronquet provided a staff report. Assistant City Manager Teri Silva and City Clerk Kathleen Franco Simmons provided additional information.

Committee discussion of next steps and additional questions or requests for information included:

- Consideration of breaking out into subcommittees to discuss each of the three or four options presented in the report;
- Consideration of subcommittees meeting during a portion of the scheduled meetings, or alternatively, to meet outside of the scheduled meetings;
- Clarification of options in terms of adopting an ordinance or amending the charter;
- Question of whether vote by mail ballots could be used;
- Question of whether costs of elections are increasing;
- Consideration of combining the four options into three: filling vacancies by election, by appointment, or by a hybrid method;
- Consideration of looking at other options “outside the box”, such as appointment of the candidate with the next highest votes;
- Request for information about district elections and how a change to that form would impact how vacancies might be filled;
- Comments regarding the difference in representation with district elections;

- Comments regarding numbered seats;
- Request for information regarding appointment options;
- Request for information regarding the rationale for why there are different methods of filling vacancies depending on whether the vacancy is voluntary or involuntary, and the possible opportunity to simplify;
- Request for information regarding the 1991 charter amendment for filling vacancies by appointment when the vacancy is created by involuntary removal;
- Discussion of why the voter turnout of 1988 was significantly higher than other years;

Public comment opened at 6:48 p.m.

Steve Scandalis expressed comments regarding topics of the next highest vote-getter, the form of election, district elections, at-large elections, the influence of council behavior in why there are two different ways of filling council vacancies, incumbent advantage, and seat-based council seats.

Public comment closed 6:51 p.m.

Committee discussion and consensus included:

- Consideration of subcommittees to divide up and meet in detail on one of the three or four options, or alternatively, each subcommittee to meet on the whole range of all options, then regroup to meet as a whole to present best solutions and strengths;
- Discussion of how long seats can remain vacant and whether consideration should be given to extending the length of time a seat can sit vacant;
- Recommendation to also consider the possibility of not changing the charter;
- Comments regarding the impacts to the citizens and applicants when having an even number of councilmembers results in split votes and no action; support for minimizing the length of time there is a vacancy;
- By consensus, the committee agreed to discuss all options as a committee of the whole, and possibly have subcommittees if necessary to study a specific topic and report back;

Public comment opened at 7:05 p.m.

No speakers.

Public comment closed at 7:05 p.m.

Committee discussion, questions, requests for consideration and comments included:

- Consideration of how variations in term limits may make a difference on the appointment or special election process; support for looking at how other cities handle this;
- Consideration of limiting the number of appointed members similar to General Law cities; support for limiting the number to two to prevent abuse of power while ensuring tax dollars are treated respectfully;
- Questions regarding the city's emergency operations plan succession scheme and time limitations;
- Consideration of a hybrid model of giving council discretion to choose whether to appoint or call a special election; consideration of parameters for this;

Committee comments regarding thoughts on the three options for filling vacancies included:

- Support for a hybrid method, extending the time after a vacancy occurs to give a buffer so it doesn't force a special election, giving council power to make an appointment or holding the election to fill the vacancy with a regular election;
- Support for the hybrid idea, but open to hearing more; not enough information yet;
- Support for a hybrid approach where the council could potentially appoint a maximum of one appointee; more than one would trigger a special election; advocate for not bifurcating how to handle a vacancy by involuntary removal, death, or resignation;
- Support for remaining open to considering a hybrid solution and coming up with the best solution;
- Support for the hybrid approach and the suggestion of limiting appointments to one or possibly two councilmembers; support for simplifying and treating all vacancies the same; comment that a special election with low turnouts is not a democratic solution;
- Suggestion for a framework whereby the committee members would think about the competing values, such as that of voting for one's representatives, and that of fiscal responsibility and efficiency; once the members figure out what they value, consider whether the process the committee will recommend will achieve a result that meets that value; support for a hybrid approach, with constraints being limiting the number of appointments on the council to one or two; suggestion to include a provision to give people the opportunity to submit a petition to contest an appointment and in favor of a special election;
- Support for a hybrid approach, being cautious about the possibility of instances where there might be a death of a councilmember; suggestion to have a transparent appointment process by either charter or ordinance; support for determining how much time to allow for an appointment to be made without a special election;

- Support for a clear appointment policy; support for allowing the council more flexibility in calling for special elections and extending the time so that it could be consolidated with a general election;
- Support for a defined and transparent process for appointment; comment that low voter turnout for special elections isn't a problem that can be solved and it is not a reason to not call a special election;
- Comment that mail ballot elections would enable more people to vote; comments about the change from odd to even year elections;
- Support for a hybrid model allowing for an appointment based on criteria, a transparent process and publication of it, and giving all registered voters a fair chance to apply; support for limiting appointments to one or two members of the council, to serve until the next general election;
- Request for information to staff, to find out if other cities have a policy in place about their appointment process;
- Questions and clarifications regarding an appointment to fill the seat until the next general election, a question of getting out of cadence with the charter-defined election of numbered seats, clarification of June or statewide elections, a question of the lead time to notify the county to call an election
- Suggestion to look at the City of Belmont's appointment process to fill a vacancy caused by the recent death of a councilmember; question of the days and dates elections can be held;
- Question of which seat an appointed councilmember could run for in the next election;
- Request for information on how an appointed incumbent can be listed on the ballot;
- Question of how the costs for a special election are paid;
- Consideration of providing more flexibility in the time that the city council can appoint, or change the timeline between declaring a vacancy and calling a special election;
- Consideration of extending the window of time to consolidate the election with a general election, or play with the number of days to allow consolidating with a general election to lower costs.

Public comment opened at 7:52 p.m.

Steve Scandalis stated democracy isn't free and encouraged the committee to keep costs lower down on the list of priorities. He stated that the savings from switching to even-year elections is far greater than an occasional special election and spoke in support of pursuing a hybrid method, a small timing change and limiting the



number of appointments. Scandalis suggested committee members avoid interjecting opinions about a councilmember who resigned.

Public comment closed at 7:55 p.m.

Final comments by committee members included:

- Request to provide information about the audio recording of this meeting to Chair Larry Stone;
- An offer to set up an app to model the timeline window based on different constraints;
- Interest in one or two members to meet outside of committee meetings.

### **ADJOURNMENT**

Vice Chair Weiss adjourned the meeting at 7:57 p.m.



# City of Sunnyvale

## Agenda Item

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18-0128

Agenda Date: 2/8/2018

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### REPORT TO CHARTER REVIEW COMMITTEE

#### **SUBJECT**

Discussion of Alternatives to Filling Councilmember Vacancies and Possible Amendments to City Charter Section 604

#### **REPORT IN BRIEF**

This report provides supplemental information requested by the Charter Review Committee (CRC) at the January 25, 2018 meeting.

#### **BACKGROUND**

At the January 25, 2018 meeting, the CRC discussed three broad options for filling vacancies in city council seats:

1. Election
2. Appointment
3. Hybrid election/appointment

Many members expressed general interest in option #3. Members raised some key themes for further discussion on this option, including:

- How to determine the appropriate balance between the financial burden of a special election and ensuring that voters have a say in choosing their representatives?
- Should the distinction between voluntary and involuntary resignations in the current provision be maintained?
- Is there a way to give the council more flexibility in calling a special election (especially by expanding the window of time during which a special election could be called)?
- If the city adopts a hybrid election/appointment approach:
  - Should the number of appointed officials be capped? If so, at what number?
  - Should there be a defined process for appointment?

#### **DISCUSSION**

##### **A. Information Requested from Staff**

The CRC requested that staff provide additional information on the following items to help facilitate discussion at the February 8, 2018 meeting:

1. Election history related to the 1991 Charter amendment adding the voluntary/involuntary resignation distinction.

The election materials for the 1991 Charter amendment did not include any ballot arguments, and the impartial analysis does not discuss the reasoning for the proposed change. However, it appears that

the 1991 Charter amendment followed the resignation of a council member in 1990, which resulted in a special election to fill the vacancy in January 1991 that preceded a regular election in November 1991 to fill the same seat. The same individual won both elections. Ballot information for the Charter amendment is included in attachment 1.

2. Policies from other cities related to appointment processes to fill council vacancies.

Staff surveyed other cities for policies, procedures, or other council-defined processes used to fill council vacancies. Many cities reported that although their charters provided generally for appointment, they generally do not contain specific provisions on the exact process for making appointments beyond, in a few cases, a requirement on the number of votes to appoint.

The trend in many cities in recent years appeared to shift from “direct” appointment by the council toward more formal appointment processes that involved applications and interviews. This trend is probably reflective of the enhanced focus on transparency and openness in local government over the past 10-15 years.

In addition, while not all cities adopted appointment policies, ordinances, or resolutions in advance of a vacancy, those that decided on an appointment process at the time of a vacancy used similar approaches to those cities with pre-established processes.

Common approaches in appointment processes included:

- Applications from interested individuals
- Interviews of interested individuals
  - One city reported that it chose to interview all 26 applicants for a vacancy, and held follow up interviews with the top 3
  - Several cities opted to follow existing application, interview and appointment processes used for board and commission members
- Final appointment vote

Sample policies, resolutions and related documents are included in attachment 2 to give CRC members a sense of the possible approaches and terms for appointment processes.

3. Allowed ballot titles for appointed council members.

Elections Code section 13107 would allow an appointed incumbent seeking election to use one of the following ballot designations:

- his or her current profession, vocation or occupation (Elect. Code § 13107(a)(3), or
- the title “appointed incumbent” (Elect. Code § 13107(a)(4), see attachment 3).

B. Information Provided by CRC Members

1. Committee Member Mehlinger developed a simple web app version of the vacancy calendar for 2019-2020, available at <https://sunnyvale-election-calculator.firebaseio.com/>. Those interested in the source code can find it at <https://github.com/rmehlinger/election-calendar-sunnyvale>. Contact [rmehlinger+charter@gmail.com](mailto:rmehlinger+charter@gmail.com) with any questions, notice anything wrong, or would like him to include any other features.

2. Committee Members Weiss and Hopkins reported to staff that they have done some "deep

digging" into what other cities and states do to fill unexpected vacancies on their city councils and would like to report back to the group on their findings. As a charter city, Sunnyvale has broad discretion to determine how it wants to fill council vacancies. Thus, while the alternatives the CRC has discussed to date have focused on California cities, Sunnyvale is not limited to those options.

**PUBLIC CONTACT**

Public contact was made by posting the CRC 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**

Staff makes no recommendation.

Prepared by: Melissa C. Tronquet, Assistant City Attorney

Kathleen Franco Simmons, City Clerk

Reviewed and Approved by: Teri Silva, Assistant City Manager

**ATTACHMENTS**

1. 1991 Election information
2. Sample appointment policies and procedures
3. Elections Code 13107(a)(4) Appointed Incumbent

2

OFFICIAL BALLOT  
CONSOLIDATED ELECTIONSCOUNTY OF SANTA CLARA  
NOVEMBER 5, 1991

## CITY OF SUNNYVALE

## General Municipal Election

| Councilmember, Seat No. 4                                 | Vote for One |
|---|--------------|
| <b>GLEN CHAMBERS</b><br>Industrial Engineer               | 30 → ○       |
| <b>RICHARD NAPIER</b><br>Mayor/Councilmember              | 31 → ○       |
| Councilmember, Seat No. 5                                 | Vote for One |
| <b>KARIN K. BRICKER</b><br>Senior Children's Librarian    | 33 → ○       |
| <b>BARBARA WALDMAN</b><br>Incumbent                       | 34 → ○       |
| Councilmember, Seat No. 6                                 | Vote for One |
| <b>DARLENE FRICK</b><br>Employment Counselor              | 36 → ○       |
| <b>FRANCES ROWE</b><br>Retired Office Administrator       | 37 → ○       |
| <b>MICHELE JEANNETTE SILVA</b><br>Epidemiologist          | 38 → ○       |
| Councilmember, Seat No. 7                                 | Vote for One |
| <b>CHRIS MC COMB</b><br>Director of Manufacturing         | 40 → ○       |
| <b>STAN KAWCZYNSKI</b><br>Councilmember/Financial Advisor | 41 → ○       |

## MEASURES SUBMITTED TO VOTE OF VOTERS

## CITY OF SUNNYVALE MEASURES

|  |            |
|--|------------|
| <b>H</b> Shall the current City of Sunnyvale Charter language providing that the City Council selects the Mayor by resolution requiring the affirmative votes of at least four members of the City Council, be retained, as recommended by the Charter Review Committee? | YES 45 → ○ |
|  | NO 46 → ○  |
| <b>I</b> Shall Section 601 of the Charter of the City of Sunnyvale be amended to require an individual who has served in elective office for two successive four-year terms to wait at least four years before being eligible to serve again in elective office?         | YES 47 → ○ |
|  | NO 48 → ○  |

CITY OF SUNNYVALE MEASURES CONTINUED ON NEXT PAGE

3

OFFICIAL BALLOT  
CONSOLIDATED ELECTIONSCOUNTY OF SANTA CLARA  
NOVEMBER 5, 1991

## CITY OF SUNNYVALE MEASURES (Continued)

|  |            |
|--|------------|
| <b>J</b> Shall Section 603 of the Charter of the City of Sunnyvale be amended to provide that Councilmembers are entitled to four personal leave days per year, that the Council has the authority to excuse absences from meetings and that for an absence from a Council meeting for other than for personal leave, or due to official duty or one which is excused by the Council, the penalty is 20% of the month's salary, which at the time of this amendment is equivalent to a penalty of \$160.00?  | YES 60 → ○ |
|  | NO 61 → ○  |
| <b>K</b> Shall Section 604 of the Charter of the City of Sunnyvale be amended 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?  | YES 63 → ○ |
|  | NO 64 → ○  |
| <b>L</b> Shall the Charter of the City of Sunnyvale be revised to provide that, commencing June 1992, the Mayor of Sunnyvale shall be elected by a vote of the people instead of appointed by the City Council for a separate four-year term with a two successive term limitation, and, further, that if a Councilmember or the Mayor does not attend all official meetings held during a given month, that his/her salary for the month shall be reduced by \$150.00 for each absence unless, as currently set forth in the City Charter, the absence is due to official duty? | YES 67 → ○ |
|  | NO 68 → ○  |
| <b>M</b> Shall Sections 601 and 1400 of the Charter of the City of Sunnyvale be amended to provide that in order to be elected to the office of Mayor, an individual would have to receive a majority of all votes cast rather than a plurality, and that in the event no individual received a majority of all votes cast, a runoff election would be held between the two individuals who received the highest number of votes?  | YES 70 → ○ |
|  | NO 71 → ○  |



## MEASURE H

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE H

This measure seeks reaffirmation of the current method of selecting a Mayor set forth in the Charter of the City of Sunnyvale. The existing Charter calls for the Council to choose by resolution from among its members one individual to serve as the presiding officer with the title of Mayor for a two year term. The Mayor participates in all proceedings and is the official head of the City for all ceremonial purposes.

A "yes" vote will retain the existing Charter language and appointive Mayor system.

A "no" vote will indicate that the current system should not be retained.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure H. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.

### ARGUMENT IN FAVOR OF MEASURE H

#### YES MEASURE H

Sunnyvale is one of the best run cities in the nation, let's keep it that way!

Sunnyvale is recognized for excellent services, and sound fiscal management, let's keep it that way!

Sunnyvale achieved its success with a low-cost city council-city manager form of government, let's keep it that way.

A YES vote on Measure H will:

- \* keep the cost of government down by insuring that the mayor can not duplicate already existing administrative staff.
- \* keep the daily operations of the city in hands of the city manager, where it belongs.
- \* avoid costly conflict and service disruption because of differences between a separately elected mayor and city council.
- \* allow other highly-qualified councilmembers to be mayor, bringing the talents of many in the service of all.

Our current system of government has proven itself!

A separate mayor will not make Sunnyvale a better-run city. Sunnyvale does not need to become more like San Jose with a separate Mayor and a \$60 million loss. Sunnyvale does not need to become more like San Francisco with a separate Mayor and Nine Deputy Mayors. Sunnyvale needs to continue on its course of quality leadership in both the city council and city administration. Let's keep Sunnyvale one of the best run and well respected cities in the nation.

Vote YES on Measure H.

Patricia E. Castillo  
Vice Mayor

Barbara Waldman  
Sunnyvale Councilmember

Dianne McKenna  
Board of Supervisors

Sam J. Schiavo  
Past President, Chamber of  
Commerce

Marc G. Hynes  
Attorney



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## ARGUMENT AGAINST MEASURE H

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### VOTE NO ON MEASURE H

Measure "H" is unnecessary and a waste of ballot space. It has been placed on the ballot to confuse the voter; it is a smokescreen designed to hide a real opportunity for meaningful change.

Measure "H" is sponsored by politicians intent on deceiving and confusing the voters. Sunnyvale voters, however, are intelligent, informed citizens.

Special interests hope a lengthy, cluttered ballot of meaningless propositions will cause voters to miss Measure "L", the "Citizens' Initiative" endorsed by 13,000 Sunnyvale citizens. Do not let this happen. Locate Measure "L" on your ballot, study it, then vote yes on "L" for real political reform.

If you want real change, your action is clear: vote NO on "H", and YES on "L."

An elected mayor would be accountable to all the citizens, not just the few politicians who now pick the mayor. Sunnyvale's City Manager has said it makes no difference to him if the mayor is elected or appointed. He has worked successfully under both systems.

There are critical issues confronting Sunnyvale: toxic contamination of our groundwater, the potential conversion of Moffett Field for commercial jet aircraft, downtown redevelopment, the preservation of our single family neighborhoods. We need an elected mayor who can provide real leadership on these important issues.

Sunnyvale needs continuity of leadership in the mayor's office, increased accountability from our elected representatives, a break-up of the "back room buddy system", and a government more open and responsive.

Sunnyvale is successful because its leadership has responded positively to reasonable change. It is time the mayor of Sunnyvale be elected by a vote of all the people.

VOTE NO Measure H; it is meaningless.

VOTE YES Measure L; it is essential.

Helen Wozniak  
Community Volunteer

Chris McComb  
Vice-Chair, Charter Review  
Committee

Paul Fong  
Sunnyvale Businessman

Bob Gonzales  
Senior Citizen

Brian Smith  
1991 Distinguished Citizen

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## MEASURE I

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### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE I

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Charter Section 601 currently provides that: Councilmembers are elected at large for four year terms, each office is a separate office, no person shall be a candidate for more than one elective office, no incumbent shall be a candidate for a seat other than the one they hold, there are seven designated seats, and there is a limit of two successive four-year terms. No specific language deals with how long someone who has served two successive terms must wait before being eligible to hold office again. Based upon other Charter provisions, it has been interpreted that an individual who has served for two successive terms must wait two years before being eligible to serve again. This measure specifies that the break in service must be four years.

A "yes" vote will add the requirement to the Charter that there must be a four year break after two successive terms of service on the Council.

A "no" vote will not amend the Charter and will continue the interpretation requiring a two year break after two successive terms of service on the Council.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure I. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.

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### ARGUMENT IN FAVOR OF MEASURE I

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Presently Sunnyvale's City Charter limits terms of Councilmembers to two consecutive four year terms. The Charter does not clearly define the time a Councilmember must wait after serving his/her two terms before being able to run again. This measure would require past councilmembers that have served their consecutive two terms or eight years to wait four (4) years before being eligible to run again for a council seat.

A YES vote on Measure I will:

- \* Stop the two term, two year off, revolving door, professional politician from becoming entrenched in Sunnyvale's Government.
- \* keep Sunnyvale government open to more citizen involvement and participation, allowing new faces and new ideas to emerge.
- \* Keep campaign spending down by making it more difficult for career politicians to return to office.

Limit opportunities for professional politicians to dominate Sunnyvale politics and profit from special interest. VOTE YES ON MEASURE I.

Patricia E. Castillo  
Vice Mayor

Babara Waldman  
Councilmember

Tony Spitaleri  
Chair Charter Review Committee

Stan Kawczynski  
Councilmember

Robin N. Parker  
Councilmember

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No Argument Against Measure I was Submitted

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## MEASURE J

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J

This measure proposes that in Section 603 pertaining to compensation, the amount deducted from a Councilmember's salary for missing a meeting would be changed from \$25.00 to 20% of the monthly salary per meeting missed. The 20% is currently equivalent to approximately \$160.00 and would increase proportionally whenever Council salaries increase. The measure also would authorize the Council to excuse absences for other than official business and would provide that each Councilmember is entitled to four personal leave days, a new benefit.

A "yes" vote would increase the penalty for missed meetings but permit the Council to excuse absences and provide Councilmembers with personal leave.

A "no" vote would keep the current \$25.00 penalty for all absences other than those involving official business.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure J. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.

### ARGUMENT IN FAVOR OF MEASURE J

Today Sunnyvale Councilmembers are docked \$25.00 for missed meetings. A Yes vote on Measure J will increase that deduction to 20% of their monthly salary. The current deduction would be \$160. The percentage increases the deduction as salaries are increased. This measure also provides for sick leave and excused absences.

A YES VOTE ON MEASURE J will:

- \* Hold Councilmembers accountable for their attendance at city council meetings.
- \* Exact a heavier penalty for unexcused missed meetings, deducts a \$160 for each meeting missed. This is 20% of their present salary.
- \* Provide for automatic increases in those penalties as councilmember salaries are raised, eliminating the need for future changes in the city charter.
- \* Provides Councilmembers with standard sick/excused leave benefits which are normally available to both public and private sector employees.

MAKE COUNCILMEMBERS ACCOUNTABLE FOR THEIR ATTENDANCE AT COUNCIL MEETING! VOTE YES ON MEASURE J.

Patricia E. Castillo  
Vice Mayor

Barbara Waldman  
Councilmember

Tony Spitaleri  
Chair Charter Review Committee

Stan Kawczynski  
Councilmember

Robin N. Parker  
Councilmember

## ARGUMENT AGAINST MEASURE J

### VOTE NO MEASURE J

- \* Say No to politicians who want more pay for less work
- \* Say No to councilmembers who fail to attend city council meetings
- \* Say No to higher costs and lower productivity
- \* Say No to Measure J
- \* Say Yes to Measure L the only honest reduction in pay for councilmembers who fail to attend official meetings.

Sunnyvale City Councilmembers should not be paid for missing council meetings. Councilmembers already receive 12 weeks off with pay, annually. Twelve weeks, spread evenly over the calendar year.

Measure J sponsored by the City Council would add an additional four weeks of paid vacation for each councilmember. Had enough? Your city council's arrogance doesn't stop there. Measure J also permits unlimited paid leave to any councilmember if they can get three councilmembers to agree... the proverbial "fox watching the hen house"...councilmembers approving their own paid absences.

The same "buddy system" of backroom politics that currently appoints your Mayor, would now allow these same councilmembers to get together and approve their own paid leave at taxpayers expense.

Sunnyvale citizens must live within their means and so should their elected representatives. Its only fair. If politicians don't come to work, they shouldn't get paid. Simple enough.

We can change the defective system that enabled former mayor Brian O'Toole to collect 90% of his salary while not stepping foot in City Hall for two months.

There is an alternative. **Measure L** increases the penalty for missing an official meeting from a paltry \$25 to a reasonable \$150. Measure L is fair, honest, straight forward, and doesn't try to deceive the voters. Measure L doesn't include slick gimmicks and self serving give-aways. Measure L makes Councilmembers accountable for their attendance and their salary.

VOTE YES **MEASURE L** "The Citizens Initiative".

VOTE NO **MEASURE J**.

Karin Bricker Member,  
Charter Review Committee

Syd Mayfield  
Sunnyvale Businesswoman

Larry Stone  
Councilmember

D.J. Bahl  
Board, Sunnyvale Chamber of  
Commerce

Mark Hanlon  
Councilmember



## MEASURE K

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

Charter Section 604 deals with vacancies. The measure modifies the section to clarify the process of declaring vacancies and authorizes the Council to fill a short-term vacancy created by the involuntary removal of a member by appointment rather than by requiring a special election. The measure also provides that no election shall be held the day before, day of, or day after a state holiday, consistent with state law.

A "yes" vote will make these technical revisions to the Charter.

A "no" vote will result in the Charter remaining unchanged.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure K. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.

### No Argument For or Against Measure K Was Submitted

## MEASURE L

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE L

This initiative comprehensively changes the Charter of the City of Sunnyvale to establish an elected Mayor. There would not be a change in the Mayor's powers or functions, but the Mayor would no longer be selected by the Councilmembers from among its members.

Charter Section 600 now establishes a Council composed of seven members. Passage of the initiative would change the composition of the Council to six Councilmembers and a Mayor.

Charter Section 601 currently provides that: Councilmembers are elected at large for four year terms, each office is a separate elective office, no person shall be a candidate for more than one elective office, no incumbent shall be a candidate for a seat other than the one they hold, there are seven designated seats, and there is a limit of two successive four year terms. Under the proposal, a Special Election would be held in June 1992 to elect a Mayor whose initial term would end with the General Election in November 1993; thereafter the Mayor's term would be four years. The office of Mayor would be a separate office. No person could hold more than one elective office. An incumbent Councilmember could be a candidate for Mayor. Council seats are redesignated to create a Mayor's seat. The Mayor's seat and two Council seats would be for four year terms commencing with the General Election in 1993. Four Council seats would be on a four year cycle commencing with the General Election in 1991.

Charter Section 602 presently requires candidates to be registered voters. The initiative transfers this requirement to Section 601 and transfers from Section 601 to this section term limitation provisions. An individual would be allowed to serve two consecutive terms as a Councilmember and two consecutive terms as Mayor. No person who has served as the elective Mayor can be a candidate for the office of Councilmember without stepping down from the Council for at least two years.

Charter Section 603 pertaining to compensation would raise from \$25.00 to \$150.00 the amount deducted from the Councilmember's or Mayor's monthly salary for meeting absences not related to official business.

Charter Section 604 deals with vacancies. It is expanded to address the issue of a vacancy in the office of Mayor.

Charter Section 605 presently provides the Council selects one member to preside for two years. The initiative replaces this section with an elected Mayor. Either way the Mayor is the presiding officer, has a voice and a vote in all proceedings, is the official head of the City for all ceremonial purposes and performs duties consistent with the Charter and the office.

Charter Section 606 relating to the position of Vice-Mayor continues to provide that the Vice-Mayor performs the duties of the Mayor during the Mayor's absence or disability. Charter Section 1800 is a definitional section.

A "yes" vote will make the Charter changes described above establishing a directly elected Mayor.

A "no" vote will retain the existing Charter language and appointive Mayor system.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure L. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.



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## ARGUMENT IN FAVOR OF MEASURE L

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### VOTE YES MEASURE L "The Citizens Initiative"

- It's time for the mayor that represents all the citizens, be elected by all the citizens.
- It's time to stop rewarding councilmembers who miss official meetings and reduce their pay when they fail to show up.
- It's time to abandon the archaic system of appointing our Mayor in favor of the contemporary system of electing our mayor.
- It's time to say no to the "buddy system" where councilmembers bargain for the coveted title of mayor in backrooms of City Hall.
- It's time to make Sunnyvale political leadership more accountable to the people and less accountable to special interests.
- It's time to support the 13,000 Sunnyvale citizens who signed the elected mayor petition.

The people of Sunnyvale deserve strong, accountable leadership only an elected mayor can provide.

Sunnyvale appointed 11 mayors in the past 10 years . . . three in a single year. More than 139 California cities, large and small, elect their mayor; 130% increase in ten years.

As the sixth largest city in the Bay Area, Sunnyvale's the only city that still appoints the mayor. Four neighboring cities in Santa Clara County elect their mayor.

Measure L would not change the power or authority of Sunnyvale's mayor. The relationship between the mayor and the city manager would remain the same.

A well-managed city like Sunnyvale, is at a disadvantage in dealing with other levels of government. The mayor who speaks for Sunnyvale today in Sacramento, Washington D.C. or our region, is gone tomorrow. Sunnyvale's "revolving door" mayor is simply outdated.

There's a leadership vacuum at City Hall. Last year's garbage franchise debacle, toxic contamination of our groundwater, the light rail controversy, downtown redevelopment, and possible conversion of Moffett to jet aircraft, all require strong accountable leadership.

**Vote yes on Measure L "The Citizens Initiative."**

Ron Gonzales  
County Supervisor

Larry Stone  
Councilmember

Paul Fong  
Sunnyvale Businessman

Darlene Frick  
Graduate Leadership Sunnyvale

Brian Smith  
1991 Sunnyvale Distinguished Citizen

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## ARGUMENT AGAINST MEASURE L

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For over 75 years our system of government in Sunnyvale has worked. From time to time individuals decide they don't like the system. They want to change it to put

more power or authority into the hands of one person and bring unnecessary politics to city government. Why should we change a proven form of government. Who stands to benefit — the taxpayers or the elected mayor?

A separately elected mayor will cost the taxpayers more, particularly in staffing. A separately elected mayor in San Francisco now needs the help of nine deputy mayors to get the job done.

A separately elected mayor is not more accountable. A separately elected mayor in San Jose witnessed the city losing \$60 million.

A separately elected mayor provides no greater political benefit. The people of Santa Clara and Milpitas have not received any benefits from the federal, state and county governments because they separately elect their mayor.

However, a separate mayor could bring harm and additional costs to a system that now works well!

- It would attract special interest money into the election process.
- It could disrupt the daily operations that make Sunnyvale one of the best run cities in the nation.
- It would irrevocably change the current system of collective leadership that gives Sunnyvale international recognition.
- It would encourage personal ego to rule over the public good.

The City of Sunnyvale has a proven track record of excellence, cost effectiveness, and innovation. Change is wrong if it is for the sake of change, or to benefit elected officials. Let's make the right choice for our future. VOTE NO ON MEASURE L.

Patricia E. Castillo  
Vice Mayor

Barbara Waldman  
Councilmember

Sam J. Schiavo  
Past President, Chamber of Commerce

Marc G. Hynes  
Attorney

Robin N. Parker  
Councilmember



## MEASURE M

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE M

This measure proposes revisions to two sections of the Charter to provide that if there is a separate office of Mayor which is filled by direct election, then in order to be elected to that office a candidate must win by a majority of the votes cast. If no candidate obtains a majority of votes, then the two candidates with the highest number of votes will be required to participate in a runoff election. This measure can only become effective if the directly elected mayor measure is adopted and this measure receives a higher number of votes.

A "yes" vote will impose the requirement that in order to be elected to the office of Mayor a candidate would have to receive a majority of the votes cast.

A "no" vote would permit elections to be governed by plurality votes and not require runoffs.

Valerie J. Armento  
City Attorney

The above statement is an impartial analysis of the Charter Amendment proposed by Measure M. If you desire a copy of the Charter Amendment, please call the City Clerk's Office at 730-7483 and a copy will be mailed at no cost to you.

### ARGUMENT IN FAVOR OF MEASURE M

If Measure M passes, a YES vote on this measure ensures that a directly elected mayor wins by a clear majority vote of Sunnyvale Citizens.

A YES vote on Measure M will:

- \* Guarantee that the majority will of the people is expressed.
- \* prevent the election of a candidate with less than 50% of the vote.

Should the city ever have an elected mayor, let's ensure an election process in which that mayor is chosen by the majority of Sunnyvale citizens. VOTE YES ON MEASURE M.

Patricia E. Castillo  
Vice Mayor

Barbara Waldman  
Councilmember

Tony Spitaleri  
Chair Charter Review Committee

Stan Kawczynski  
Councilmember

Robin N. Parker  
Councilmember

### ARGUMENT AGAINST MEASURE M

#### VOTE NO MEASURE M

Measure M would have a detrimental effect on the cost and integrity of municipal elections in Sunnyvale, Measure M would:

- Substantially increase the cost of seeking public office in Sunnyvale.

- Needlessly double the number of elections for the same office.
- Give incumbents an advantage over challengers.
- Increase the influence of the special interests and their huge political budgets, on Sunnyvale elections.
- Extend the campaign period for Sunnyvale mayoral elections.

Measure M is a costly proposition.

Measure M is bad public policy.

Vote No Measure M.

Karin K. Bricker  
Graduate, Leadership Sunnyvale

Darlene Frick  
Graduate, Leadership Sunnyvale

Adelaide Leigh Cleere  
Sunnyvale Resident

Larry Stone  
Councilmember

Kathleen C. Tobias  
Sunnyvale Resident

**RESOLUTION NO. 174-91**

**RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE  
CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE  
CITY OF SUNNYVALE ON NOVEMBER 5, 1991, FOR THE PURPOSE  
OF SUBMITTING TO THE VOTERS OF THE CITY PROPOSED  
AMENDMENTS TO THE CITY CHARTER CONCERNING THE MAYOR AND  
THE COUNCIL, REQUESTING CONSOLIDATION AND THE SERVICES  
OF THE REGISTRAR OF VOTERS**

WHEREAS, Article XI, Section 3 of the Constitution of the State of California and Section 34459 of the Government Code authorize amendments to the Charter of the City proposed by either the City Council or by initiative; and

WHEREAS, by Resolution No. 165-91, adopted July 2, 1991, the City Council called a General Municipal Election to be held on November 5, 1991, for the purpose of filling four Council seats; and

WHEREAS, whenever two or more elections are called to be held on the same day, in the same territory, such elections may be either completely or partially consolidated pursuant to Part 2.5 (commencing with Section 23300) of Division 14 of the Elections Code and Section 5342 of the Education Code; and

WHEREAS, Section 22003 of the Elections Code empowers the City Council to request the assistance of the County Registrar of Voters to provide election services to the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. SPECIAL ELECTION. A Special Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 5, 1991, for the purpose of submitting to the voters of the City the below designated measures.

SECTION 2. SUBMITTAL OF PROPOSALS. The City Council hereby submits to the voters, and orders to be placed on the ballot, the following measures:

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

1. Shall the current City of Sunnyvale Charter language providing that the City Council selects the Mayor by resolution requiring the affirmative votes of at least four members of the City Council, be retained, as recommended by the Charter Review Committee?

YES \_\_\_\_\_  
NO \_\_\_\_\_

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

2. Shall Section 601 of the Charter of the City of Sunnyvale be amended to require an individual who has served in elective office for two successive four-year terms to wait at least four years before being eligible to serve again in elective office?

YES \_\_\_\_\_  
NO \_\_\_\_\_

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

3. Shall Section 603 of the Charter of the City of Sunnyvale be amended to provide that Councilmembers are entitled to four personal leave days per year, that the Council has the authority to excuse absences from meetings and that for an absence from a Council meeting for other than for personal leave, or due to official duty or one which is excused by the Council, the penalty is 20% of the month's salary, which at the time of this amendment is equivalent to a penalty of \$160.00?

YES \_\_\_\_\_  
NO \_\_\_\_\_

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

4. Shall Section 604 of the Charter of the City of Sunnyvale be amended 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?

YES \_\_\_\_\_  
NO \_\_\_\_\_

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

5. Shall the Charter of the City of Sunnyvale be revised to provide that, commencing June 1992, the Mayor of Sunnyvale shall be elected by a vote of the people instead of appointed by the City Council for a separate four-year term with a two successive term limitation, and, further, that if a Councilmember or the Mayor does not attend all official meetings held during a given month, that his/her salary for the month shall be reduced by \$150.00 for each absence unless, as currently set forth in the City Charter, the absence is due to official duty?

YES \_\_\_\_\_  
NO \_\_\_\_\_

CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_:

6. Shall Sections 601 and 1400 of the Charter of the City of Sunnyvale be amended to provide that in order to be elected to the office of Mayor, an individual would have to receive a majority of all votes cast rather than a plurality, and that in the event no individual received a majority of all votes cast, a runoff election would be held between the two individuals who received the highest number of votes?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SECTION 3.        ADOPTION OF MEASURES.    In the event a majority of the electors voting on the measures set forth in Section 2 vote in favor thereof, the Charter of the City of Sunnyvale shall, upon being accepted and filed by the Secretary of State, be amended to read as set forth in Exhibits "A" through "E" attached and incorporated, effective on the date of such filing. The first measure reaffirms existing language and does not involve an amendment.

SECTION 4.        DUTIES OF CITY CLERK.    The City Clerk hereby is directed to do all things required by law to effectuate the Special Municipal Election and to present the measures submitted herein to the electorate, including, but not limited to, required publications, postings, noticings and filings. Further, the City Clerk is hereby directed to forward a copy of this resolution to the City Attorney for preparation of an impartial analysis of the measures submitted.

SECTION 5.        ARGUMENTS FOR AND AGAINST.    Members of the City Council shall author the arguments in favor of all the measures other than the initiative petition and the argument against the initiative petition. The proponent(s) of the initiative shall author the arguments in favor of the initiative and against the Council-sponsored measures.

SECTION 6.        NO REBUTTAL ARGUMENTS.    The City Council confirms that the provisions of Section 5014.5(a) of the Elections

Code do not apply and that no rebuttal arguments shall be permitted.

SECTION 7. CONSOLIDATION OF ELECTIONS. The City Council hereby orders that the Special Municipal Election be consolidated with the General Municipal Election to be held on Tuesday, November 5, 1991, for the purpose of filling municipal offices. Furthermore, pursuant to Part 2.5 (commencing with Section 23300) of Division 14 of the Elections Code and Section 5342 of the Education Code, the City Council hereby requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the Registrar of Voters of the County of Santa Clara or any body or official authorized by law to perform such functions and canvass the returns of the election; and that this City Council consents to such consolidation.

SECTION 8. CONTRACT WITH REGISTRAR. Pursuant to Section 22003 of the California Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of the Special Municipal Election



to be held on Tuesday, November 5, 1991.

Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections.

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 the services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

SECTION 9. HOURS. The hours during which the polling places for the Special Municipal Election shall be open shall be the hours established for the General Municipal Election.

SECTION 10. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to submit forthwith 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.

SECTION 11. DISTINGUISHING TYPE STYLES. In the event the City Clerk or the Registrar of Votes is required to, or does, cause the publication or printing of the proposed Charter amendments using distinguishing type styles to identify the proposed amendments, the City Clerk or Registrar of Voters may authorize the use of any alternative distinguishing type style, such as italics,

which is appropriate to the medium used for such publication or printing.

SECTION 12. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Santa Clara County Clerk in accordance with Section 14 of the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 193-86.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 6th day of August, 1991, by the following called vote:

AYES: PARKER, WALDMAN, CASTILLO, STONE, KAWCZYNSKI, NAPIER  
NOES: NONE  
ABSENT: HANLON

APPROVED:

  
Vice Mayor

ATTEST:  
City Clerk

By   
Deputy City Clerk

(SEAL)

Text of Proposed Amendment to Charter Section 601 to Require Four Year Break after Serving Two Successive Terms

Section 601. 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 years ~~from and after,~~ commencing the Tuesday 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 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.

No person shall be eligible to serve as a member of the City Council for more than two (2) successive four-year elective terms. Any person who has served two (2) successive four-year elective terms shall not serve again until at least four (4) years have passed since that person last held office. Any person who fills an unexpired term of not more than two years in length shall, however,

be eligible to serve two (2) successive four-year terms after the expiration of the unexpired term which he/she filled.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

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

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

Text of Proposed Amendment to Charter Section 603 to Provide for a 20% Penalty for Missed Meetings, to Authorize the Council to Grant Excused Absences, and to Grant Councilmembers Four Personal Leave Days

Section 603. Compensation. In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, each member of the City Council shall receive as salary, each month, that sum which has been established by the State Legislature for members of the city councils of general law cities having the population range within which the City of Sunnyvale falls, all as is specified in Government Code Section 36515 as it now exists or may hereafter be amended to read, and the Mayor shall receive as salary, each month, a ~~salary~~sum equal to 133-1/3% of that established herein for Councilmembers. In order to provide a cost of living adjustment, the salaries provided herein shall be increased annually, effective January 1 of each year, by the amount permitted for general law cities by Government Code Section 36516(c), as may hereafter be amended. If a member of the City Council does not attend all meetings of the City Council~~or study sessions~~ called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum equivalent to 20% of the month's salary for each meeting~~or study session~~ not attended unless he/she is absent on official duty with

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the consent of or on order of the City Council or is granted an  
excused absence by the City Council, or unless he/she is on  
personal leave. A member of the City Council shall be permitted  
four (4) personal leave days per calendar year.

Text of Proposed Amendment of Charter Section 604 to Include Involuntary Removal from Office and Avoiding Elections around Holidays

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 (180), 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-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 (120) 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 (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 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.



PROPOSED AMENDMENTS TO THE CHARTER OF  
THE CITY OF SUNNYVALE

Proposed Amendments to the Charter of the City of Sunnyvale read as follows below. The provisions of the Charter proposed to be deleted are printed as ~~strikeout type~~, and new provisions are in shaded type.

1. Section 600 of Article VI is amended to read:

Section 600. Elective Officers of the City. The elective officers of the City shall consist of a City Council composed of seven members. ~~Prior to a Special Municipal Election to be held in June, 1992, and the seating of a Mayor elected at that election, the City Council shall consist of seven Councilmembers.~~ Commencing with the Special Municipal Election held in June, 1992 and the seating of a Mayor elected at that election, the City Council shall consist of six Councilmembers and a Mayor.

2. Section 601 of Article VI is amended to read:

Section 601. Term and Election. ~~Except as otherwise provided,~~ Each member of the City Council, including the elective Mayor, shall be elected from the City at large at the General Municipal Election for a term of four years from and after the Tuesday next following the member's election, and until a successor is elected and qualified. ~~Provided, however, that a~~

Special Municipal Election shall be conducted in June, 1992, a Mayor shall be elected, and the Mayor's initial term shall commence on the Tuesday next following the Mayor's election and extend until the Tuesday after the next General Municipal 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, including that of elective Mayor, 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 person may hold 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; provided, however, that except as otherwise specifically provided in this section, an

~~incumbent Councilmember shall not be prohibited from being a candidate for the office of elective Mayor.~~

~~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.~~

~~No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment.~~

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

~~Prior to the General Municipal Election held in the year 1991, eEach Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number....." Prior to the General Municipal Election held in the year 1991, the terms of office and time of election shall be governed by the terms of this Charter prior to the amendment providing~~

for an elective Mayor.

Commencing with the General Municipal Election held in the year 1991, Councilmember seat number 3 shall be redesignated as Councilmember seat number 7 and the remaining Councilmember seats shall be designated by a number from 1 through 6 and each shall be respectively known as "Councilmember Seat Number....." Such redesignations shall occur on the Tuesday next following the General Municipal Election in 1991. Seats numbered 1 and 2 shall be filled at the General Municipal Election held in the year 1993, and every fourth year thereafter. Persons holding seats numbered 1 and 2 at the time that this amendment is approved shall be deemed the incumbents of and shall continue in office in those seats until the General Municipal Election in 1993.

That certain seat numbered 3 as of the General Municipal Election in 1991, and redesignated thereafter as seat number 7, shall not be filled at such election, but shall cease to exist when the Mayor elected at the Special Municipal Election in June, 1992, assumes office. After the Special Municipal Election in June, 1992, seat number 7 shall be filled by the elected Mayor and be redesignated as "the Mayor's Seat" on the Tuesday next following the Special Municipal Election in June, 1992, and the term of the Councilmember for

seat number 7 shall thereupon expire. This will cause the person occupying seat number 7 to serve less than a four year term that commenced after the Municipal General Election in 1989. The Mayor's Seat, subject to the initial term specified hereinabove, shall be filled at the General Municipal Election held in the year 1993, and every fourth year thereafter.

Those seats numbered 4, 5, 6 and 7 as of the General Municipal Election in 1991 shall be renumbered 3, 4, 5 and 6, respectively, after such election. Persons elected to held seats numbered 4, 5, 6 and 7 at the time of the General Municipal Election held in 1991 shall be deemed the incumbents of those seats as subsequently redesignated respectively. The renumbering of these seats shall not be deemed to create a break in service or a new term for the holders of said seats, it being the intent solely to redesignate existing offices to maintain the sequential numbering of the seats. Said seats numbered 4, 5, 6 and 7, and as renumbered 3, 4, 5 and 6, shall be filled at the General Municipal Election held in the year 1991 and every fourth year thereafter.

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.~~

3. Section 602 of Article VI is amended to read:

Section 602. ~~Qualifications. No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment.~~

Limitation of Terms. For purposes of this section only, the term "Councilmember" shall not be deemed to include the office of elective Mayor, or the person holding such office.

(a) No person shall be eligible to serve as a Councilmember for more than two (2) successive or overlapping four-year elective terms. Except as otherwise provided herein, a person shall be considered to have served a four-year term if he/she served all or any portion of such term. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive or overlapping four-year elective terms after the

expiration of the unexpired term which he/she filled. The prohibition contained in this subsection shall be deemed to limit a person's eligibility to be a candidate for the office of Councilmember only and shall not restrict the eligibility of a person for the office of elective Mayor.

(b) No person shall be eligible to serve as elective Mayor for more than two (2) successive four-year elective terms; provided, however, that except as otherwise provided herein, a person shall be considered to have served a four-year term if he/she served all or any portion of such term. Any person who fills any initial or 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.

(c) No person who has served all or a portion of a term as elective Mayor shall be a candidate for the office of Councilmember at any election earlier than the next General Municipal Election after the expiration of the full four-year term, all or part of which was served by that person. No such person shall be eligible to serve as a Councilmember by appointment earlier than said election.

4. Section 603 of Article VI is amended to read:

Section 603. Compensation. In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the city council, each member of the City Council shall receive as salary, each month, that sum which has been established by the State Legislature for members of the City Councils of general law cities having that population range within which the City of Sunnyvale falls, all as is specified in Government Code § 36515 as it now exists or may hereafter be amended to read, and the Mayor shall receive as salary, each month, a salary equal to 133-1/3% of that established herein for Councilmembers. In order to provide a cost of living adjustment, the salaries provided herein shall be increased annually, effective January 1 of each year, by the amount permitted for general law cities by Government Code §36516(c), as may hereafter be amended. If a member of the City Council, or the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum of ~~\$25.00~~ \$150.00 for each meeting or study session not attended unless he/she is absent on official duty with the consent of or on order of the City Council.

5. Section 604 of Article VI is amended to read:



Section 604. Vacancies. Except as otherwise provided herein, in the event of a vacancy in the City Council, including a vacancy in the office of elective Mayor, 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, other than in the office of elective Mayor, 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 sixty (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-day period, it shall treat such vacancy in the same manner as one created by a cause other than death.

In the event of a vacancy in the office of elective Mayor, where the unexpired term does not exceed one hundred eighty (180) days, the City Council may, within thirty (30) days after such office shall have been declared vacant, either call a Special Municipal Election for the purpose of filling said vacancy or select one of its members as its presiding officer, who shall have the title of Mayor. Any such Councilmember appointed as presiding officer and designated Mayor shall retain his/her seat and status as a Councilmember and shall not be deemed to hold the

office of elective Mayor for any purpose, including but not limited to, designating incumbency in any election and calculating successive or overlapping term limitations. Pending the appointment of a presiding officer or election of a new Mayor, or in the event the City Council shall fail to exercise either option within the thirty-day period, the Vice Mayor shall perform the duties of the Mayor until the election and qualification of a new Mayor.

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, including the elective Mayor, 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 or ceases to maintain his/her principal place of residence within the City limits during his/her term of office.

6. Section 605 of Article VI is amended to read:

Section 605. Presiding Officer. Mayor. ~~At its first regular meeting following each General Municipal Election, the City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. Such selection shall be by resolution of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor~~

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~~shall serve in such capacity for a term of two years from and after the Tuesday following the General Municipal Election after which the appointment is made, and until a successor is selected, provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.~~

~~The Mayor may be removed from such office prior to expiration of his/her two year term only by a resolution of the City Council adopted by the affirmative votes of at least five members of the City Council. Prior to such action the City Council shall adopt a resolution stating its intention to consider such removal and the reasons for such removal. The resolution removing the Mayor shall also contain a final statement of the reasons for removal and may not be adopted within five days of the adoption of the resolution of intention.~~

~~If the voters of the City of Sunnyvale approve the amendment to this section to provide a two year term for the Mayor at the General Municipal Election in the year 1987, then the first selection of a Mayor under the provisions of this section shall occur at the first~~

~~regular meeting of the City Council following the effective date of said amendment. The person selected as Mayor shall serve for the remainder of the two year term and until a successor is selected in accordance with the terms of this section.~~ Prior to the Special Municipal Election held in June, 1992, the City Council shall select one of its members as presiding officer, who shall have the title of Mayor, and who shall serve in such capacity at the pleasure of the City Council.

Commencing with the Special Municipal Election held in June, 1992, there shall be an office of Mayor which shall be a separate and distinct office elected as such from the City at large, as provided by this Charter. The Mayor shall be the presiding officer of the City Council.

The Mayor shall have a voice and vote in all proceedings of the City Council. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. Except as expressly provided otherwise in this Charter and other applicable law, the powers, authority and duties of the Mayor, whether selected by the City Council or elected, shall be the same as those of other members of the Council. Any limitations on the powers and authority

of members of the Council contained in this Charter or other law including but not limited to those contained in Section 807 of this Charter, shall be applicable to the Mayor.

7. Section 606 of Article VI is amended to read:

Section 606. Vice Mayor. 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 of disability.

8. Section 1800 of Article XVIII is amended to read:

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) 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 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.

(d) Commencing with the Special Municipal Election held in June, 1992, all references to the words, phrases, or terms "Member of the City Council," "Council member," "Councilmember," "City Councilmember," and "member" with reference to the City Council, shall be construed to refer to both the Mayor and each of the six Councilmembers, as specified in Section 600, except where a contrary intent is expressly stated or clearly required by the context, and the term "City Council" shall be construed to refer to the body composed of the Mayor and six Councilmembers. At said time, this definition shall apply similarly to all codes, ordinances, resolutions, policies, regulation and similar documents of the City without requiring the formal amendment of each such document individually.

Text of Proposed Amendments to Charter Sections 601 and 1400 to  
Require a Majority Vote for Election to the Office of Elective  
Mayor and Runoff Elections if Needed

The sixth paragraph of Section 601 would need to be revised as follows:

Section 601. Term and Election.

. . . . .

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office, except that an elective Mayor must receive a majority of all votes cast. In any instance where no mayoral candidate receives a majority of all the votes cast, a runoff election shall be held between the two candidates receiving the highest number of votes.

. . . . .

Section 1400. General Municipal Elections. 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. If the office of Mayor remains unfilled after the election because no candidate received a majority of all votes cast for the office at the election, then a runoff election shall be held for the purpose of filling the office of Mayor. The two persons who received the highest number of votes for that office shall be the

(M)



only persons whose names shall appear on the ballot and be eligible to receive votes as candidates for that office at the following runoff election. When a runoff election is required due to failure of a mayoral candidate to obtain a majority of votes at a General Municipal Election, the runoff election shall be held on the second Tuesday of January immediately following the General Municipal Election. If a runoff election is required as a result of a failure of a mayoral candidate to obtain a majority of votes at a Special Municipal Election, another Special Municipal Election shall be called in accordance with the provisions of the Elections Code.

RESOLUTION NO. 202-91

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SUNNYVALE DECLARING CANVASS OF RETURNS AND  
RESULT OF THE GENERAL AND SPECIAL MUNICIPAL  
ELECTIONS HELD ON NOVEMBER 5, 1991

WHEREAS, the City Council of the City of Sunnyvale duly called and ordered held in the City on Tuesday, November 5, 1991, a General Municipal Election pursuant to Section 1400 of the Charter to fill City Council Seats No. 4, 5, 6 and 7; and

WHEREAS, the City Council of the City of Sunnyvale also duly called and ordered held in the City on Tuesday, November 5, 1991, a Special Municipal Election and submitted to the voters six measures proposing amendments to the Charter of the City of Sunnyvale; 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 offices and measures hereinafter set forth, and has certified to the City Council the results of the votes cast, which certification is attached as Exhibit "A" and incorporated by reference;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. The canvass by the Registrar of Voters as shown in Exhibit "A" and the results of the votes cast at the General and Special Municipal Elections are hereby ratified, confirmed and approved.

SECTION 2. The total numbers of votes cast in the City of

Sunnyvale at the General and Special Elections, and the number of votes cast in each precinct for the persons and respective office to be filled at the General and Special Municipal Election, and the number of votes cast in each precinct for and against the ballot measures submitted 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".

SECTION 3. The names of the persons voted for the offices of Councilmember and the total number of votes given in the City to each of the persons (including absentee votes) were as follows:

| <u>CANDIDATES FOR COUNCILMEMBERS</u> | <u>Total Vote</u> |
|--------------------------------------|-------------------|
| <u>Councilmember, Seat No. 4</u>     |                   |
| Glen Chambers                        | 6,714             |
| Richard Napier                       | 8,900             |
| <u>Councilmember, Seat No. 5</u>     |                   |
| Karin Bricker                        | 7,041             |
| Barbara Waldman                      | 8,615             |
| <u>Councilmember, Seat No. 6</u>     |                   |
| Darlene Frick                        | 6,107             |
| Frances Rowe                         | 7,784             |
| Michele Silva                        | 1,490             |
| <u>Councilmember, Seat No. 7</u>     |                   |
| Chris McComb                         | 6,409             |
| Stan Kawzynski                       | 9,027             |

SECTION 4. At the Special Election the following measures were submitted to the voters and the number of votes cast for and against the measures were as follows:

|            |   | Total<br>Vote<br><u>"YES"</u> | Total<br>Vote<br><u>"NO"</u> |
|------------|---|-------------------------------|------------------------------|
| MEASURE H: | "Shall the current City of Sunnyvale Charter language providing that the City Council selects the Mayor by resolution requiring the affirmative votes of at least four members of the City Council, be retained, as recommended by the Charter Review Committee?"   | 9,991                         | 5,674                        |
| MEASURE I: | "Shall Section 601 of the Charter of the City of Sunnyvale be amended to require an individual who has served in elective office for two successive four-year terms to wait at least four years before being eligible to serve again in elective office?"   | 11,668                        | 3,664                        |
| MEASURE J: | Shall Section 603 of the Charter of the City of Sunnyvale be amended to provide that Councilmembers are entitled to four personal leave days per year, that the Council has the authority to excuse absences from meetings and that for an absence from a Council meeting for other than for personal leave, or due to official duty or one which is excused by the Council, the penalty is 20% of the month's salary, which at the time of this amendment is equivalent to a penalty of \$160.00?" | 8,060                         | 7,541                        |
| MEASURE K: | Shall Section 604 of the Charter of the City of Sunnyvale be amended 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?"   | 10,435                        | 4,769                        |
| MEASURE L: | "Shall the Charter of the City of Sunnyvale be revised to provide that, commencing June 1992, the Mayor of Sunnyvale shall be elected by a vote of the people instead of appointed by   | 6,678                         | 9,412                        |

the City Council for a separate four-year term with a two successive term limitation, and, further, that if a Councilmember or the Mayor does not attend all official meetings held during a given month, that his/her salary for the month shall be reduced by \$150.00 for each absence unless, as currently set forth in the City Charter, the absence is due to official duty?"

MEASURE M: "Shall Sections 601 and 1400 of the Charter of the City of Sunnyvale be amended to provide that in order to be elected to the office of Mayor, an individual would have to receive a majority of all votes cast rather than a plurality, and that in the event no individual received a majority of all votes cast, a runoff election would be held between the two individuals who received the highest number of votes?" 8,546 6,910

SECTION 5. The following named persons received the largest number of votes for the offices of Councilmember and were, therefore, duly elected to the office, and the City Clerk is hereby directed to issue a Certificate of Election to the persons, certifying each one's election to the office appearing after his or her name, and to administer to the persons the oath of office prescribed by the Constitution and the laws of the State of California and the Charter of the City of Sunnyvale:

|                 |                          |
|-----------------|--------------------------|
| Richard Napier  | Councilmember Seat No. 4 |
| Barbara Waldman | Councilmember Seat No. 5 |
| Frances Rowe    | Councilmember Seat No. 6 |
| Stan Kawczynski | Councilmember Seat No. 7 |

SECTION 6. 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 General and Special Municipal Elections.

SECTION 7. Measures I, J, and K are deemed to be ratified by the electors of the City of Sunnyvale. The City Attorney is directed to prepare the text of the Charter amendments as ratified by the electors for certification, authentication and filing in accordance with Section 34464 of the Government Code.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 12th day of November, 1991, by the following called vote:

AYES: PARKER, WALDMAN, CASTILLO, STONE, HANLON, KAWCZYNSKI,  
NAPIER  
NOES: NONE  
ABSENT: NONE

APPROVED:

  
Mayor

ATTEST:  
City Clerk

By   
Deputy City Clerk  
(SEAL)



## CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)

) ss.

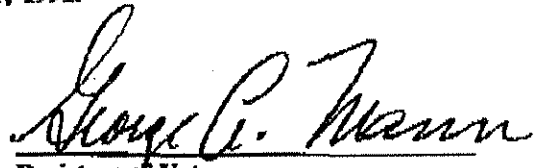
County of Santa Clara )

I, George A. Mann, Registrar of Voters of the County of Santa Clara, State of California, do hereby certify that at the Consolidated Elections held on November 5, 1991, General and Special Municipal Elections, consolidated therewith, were held in the CITY OF SUNNYVALE for the purposes of electing one member each to SEATS 4, 5, 6 and 7 of the City Council and submitting Measures H, I, J, K, L and M to the voters of said City;

That the official canvass of the returns of said 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; and

That the Statement of Votes Cast, hereto attached, shows the whole number of votes cast for each candidate for said Council Seats, and for and against Measures H, I, J, K, L and M in the City of Sunnyvale, and in each of the respective precincts; and that the totals shown for each candidate and for and against each measure are full, true and correct.

WITNESS my hand and Official Seal this 12th day of November, 1991.

  
Registrar of Voters

SEAL

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11/12/91 6

CONSOLIDATED ELECTIONS. NOVEMBER 5, 1991

06

CITY OF SUNNYVALE - CITY COUNCIL SEATS 4, 5, 6, 7 VOTE FOR ONE EACH SEAT

|          |      |      |     | S<br>E<br>S<br>A<br>U<br>T<br>N<br>N#<br>Y4<br>V<br>A<br>L<br>E                        |     | S<br>E<br>S<br>A<br>U<br>T<br>N<br>N#<br>Y5<br>V<br>A<br>L<br>E                        |     | S<br>E<br>S<br>A<br>U<br>T<br>N<br>N#<br>Y6<br>V<br>A<br>L<br>E                        |     | M<br>I<br>C<br>H<br>E<br>L<br>E                                    |    | S<br>E<br>S<br>A<br>U<br>T<br>N<br>N#<br>Y7<br>V<br>A<br>L<br>E                        |     |
|----------|------|------|-----|--|-----|--|-----|--|-----|--|----|--|-----|
|          |      |      |     | C<br>I<br>T<br>V<br>O<br>T<br>C<br>E<br>O<br>U<br>F<br>N<br>O<br>C<br>R<br>I<br>L<br>I |     | C<br>I<br>T<br>V<br>O<br>T<br>C<br>E<br>O<br>U<br>F<br>N<br>O<br>C<br>R<br>I<br>L<br>I |     | C<br>I<br>T<br>V<br>O<br>T<br>C<br>E<br>O<br>U<br>F<br>N<br>O<br>C<br>R<br>I<br>L<br>I |     | F<br>R<br>A<br>N<br>C<br>E<br>S<br>R<br>O<br>M<br>E                |    | C<br>I<br>T<br>V<br>O<br>T<br>C<br>E<br>O<br>U<br>F<br>N<br>O<br>C<br>R<br>I<br>L<br>I |     |
|          |      |      |     | G<br>L<br>E<br>N<br>C<br>H<br>A<br>R<br>D<br>N<br>A<br>P<br>J<br>E<br>R                |     | K<br>A<br>R<br>R<br>I<br>N<br>B<br>A<br>R<br>R<br>A<br>W<br>A<br>L<br>D<br>M<br>A<br>N |     | D<br>A<br>R<br>L<br>E<br>T<br>H<br>E<br>O<br>F<br>F<br>R<br>I<br>C<br>K                |     | J<br>E<br>A<br>N<br>N<br>E<br>T<br>T<br>E<br>S<br>J<br>L<br>V<br>A |    | C<br>H<br>R<br>I<br>S<br>T<br>M<br>C<br>O<br>M<br>B                                    |     |
|          |      |      |     | R<br>E<br>G<br>I<br>S<br>T<br>R<br>A<br>T<br>I<br>O<br>N                               |     | B<br>A<br>L<br>L<br>O<br>T<br>S<br>C<br>A<br>S<br>T                                    |     | T<br>U<br>R<br>N<br>O<br>U<br>T  |     |  |    | S<br>T<br>A<br>N<br>K<br>A<br>W<br>C<br>Z<br>Y<br>N<br>S<br>K<br>I                     |     |
| 4001-PCT | 4001 | 861  | 282 | 32.8   | 89  | 184  | 91  | 184  | 91  | 163  | 14 | 109  | 159 |
| 4002-PCT | 4002 | 918  | 189 | 20.6   | 72  | 109  | 104 | 76   | 65  | 91   | 18 | 82   | 96  |
| 4004-PCT | 4004 | 763  | 228 | 29.9   | 87  | 129  | 79  | 143  | 81  | 124  | 12 | 102  | 111 |
| 4007-PCT | 4007 | 1247 | 224 | 18.0   | 100 | 115  | 116 | 99   | 101 | 84   | 27 | 111  | 100 |
| 4014-PCT | 4014 | 1028 | 170 | 16.5   | 89  | 72   | 94  | 62   | 52  | 90   | 16 | 60   | 100 |
| 4015-PCT | 4015 | 689  | 52  | 7.8  | 21  | 26   | 22  | 25   | 20  | 19   | 6  | 26   | 21  |
| 4018-PCT | 4018 | 1325 | 190 | 14.3   | 81  | 92   | 90  | 83   | 82  | 65   | 21 | 93   | 76  |
| 4020-PCT | 4020 | 1127 | 244 | 21.7   | 98  | 130  | 105 | 119  | 77  | 119  | 28 | 79   | 153 |
| 4021-PCT | 4021 | 1234 | 197 | 16.0   | 60  | 123  | 69  | 116  | 81  | 79   | 19 | 76   | 108 |
| 4022-PCT | 4022 | 1072 | 250 | 23.9   | 129 | 102  | 107 | 120  | 92  | 114  | 31 | 96   | 134 |
| 4028-PCT | 4028 | 1057 | 302 | 28.6   | 129 | 151  | 131 | 151  | 99  | 150  | 24 | 108  | 181 |
| 4035-PCT | 4035 | 1215 | 181 | 14.9   | 86  | 82   | 82  | 85   | 81  | 69   | 20 | 79   | 85  |
| 4036-PCT | 4036 | 1101 | 200 | 18.2   | 89  | 100  | 82  | 106  | 83  | 86   | 19 | 75   | 107 |
| 4038-PCT | 4038 | 1390 | 405 | 29.1   | 153 | 235  | 202 | 187  | 173 | 172  | 36 | 140  | 233 |
| 4041-PCT | 4041 | 1361 | 411 | 30.2   | 158 | 229  | 179 | 208  | 152 | 210  | 26 | 181  | 196 |
| 4043-PCT | 4043 | 784  | 292 | 37.2   | 89  | 185  | 133 | 143  | 127 | 118  | 23 | 116  | 153 |
| 4045-PCT | 4045 | 995  | 229 | 23.0   | 80  | 139  | 94  | 125  | 91  | 113  | 16 | 83   | 131 |
| 4047-PCT | 4047 | 1215 | 406 | 33.4   | 148 | 228  | 188 | 200  | 158 | 172  | 41 | 206  | 179 |
| 4050-PCT | 4050 | 1218 | 178 | 14.6   | 80  | 91   | 91  | 72   | 68  | 76   | 22 | 91   | 77  |
| 4054-PCT | 4054 | 686  | 167 | 24.3   | 62  | 84   | 86  | 63   | 70  | 66   | 17 | 67   | 86  |
| 4055-PCT | 4055 | 938  | 348 | 37.1   | 134 | 193  | 131 | 194  | 129 | 170  | 19 | 121  | 203 |
| 4057-PCT | 4057 | 898  | 359 | 40.0   | 135 | 210  | 94  | 251  | 72  | 246  | 22 | 79   | 264 |
| 4060-PCT | 4060 | 1389 | 220 | 15.8   | 112 | 99   | 113 | 96   | 91  | 85   | 31 | 96   | 111 |
| 4062-PCT | 4062 | 941  | 214 | 22.7   | 154 | 63   | 136 | 70   | 69  | 112  | 21 | 78   | 127 |
| 4063-PCT | 4063 | 1298 | 298 | 23.0   | 112 | 174  | 104 | 184  | 89  | 172  | 19 | 92   | 165 |
| 4064-PCT | 4064 | 1119 | 181 | 16.2   | 80  | 81   | 97  | 68   | 72  | 68   | 29 | 75   | 85  |
| 4067-PCT | 4067 | 1004 | 277 | 27.6   | 88  | 165  | 79  | 184  | 64  | 172  | 20 | 84   | 167 |
| 4069-PCT | 4069 | 1139 | 377 | 33.3   | 121 | 233  | 176 | 177  | 150 | 171  | 28 | 171  | 187 |
| 4070-PCT | 4070 | 1171 | 382 | 32.6   | 173 | 181  | 170 | 194  | 123 | 191  | 39 | 125  | 237 |
| 4071-PCT | 4071 | 1087 | 234 | 21.5   | 104 | 123  | 123 | 98   | 84  | 121  | 20 | 60   | 158 |
| 4075-PCT | 4075 | 1147 | 198 | 17.3   | 86  | 104  | 100 | 88   | 76  | 93   | 17 | 84   | 103 |

NOV-12-'91 TUE 18:03 ID:SCC REG OF VOTERS

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|               |      |     |      |     |     |     |     |     |     |    |     |     |
|---------------|------|-----|------|-----|-----|-----|-----|-----|-----|----|-----|-----|
| 4078-PCT 4078 | 1146 | 358 | 31.2 | 149 | 194 | 143 | 195 | 126 | 177 | 27 | 154 | 182 |
| 4087-PCT 4087 | 618  | 73  | 11.8 | 32  | 38  | 46  | 24  | 35  | 21  | 9  | 39  | 29  |
| 4088-PCT 4088 | 1276 | 496 | 38.9 | 172 | 296 | 161 | 313 | 149 | 293 | 29 | 157 | 308 |
| 4096-PCT 4096 | 1153 | 314 | 27.2 | 149 | 153 | 140 | 161 | 129 | 148 | 24 | 117 | 185 |
| 4097-PCT 4097 | 909  | 259 | 28.5 | 124 | 124 | 132 | 118 | 108 | 118 | 22 | 111 | 139 |
| 4101-PCT 4101 | 919  | 170 | 18.5 | 66  | 85  | 67  | 84  | 59  | 69  | 21 | 66  | 83  |
| 4110-PCT 4110 | 906  | 233 | 25.7 | 97  | 122 | 75  | 141 | 73  | 121 | 20 | 80  | 132 |
| 4114-PCT 4114 | 1065 | 389 | 36.5 | 140 | 221 | 149 | 212 | 132 | 209 | 23 | 136 | 221 |
| 4120-PCT 4120 | 1290 | 245 | 19.0 | 107 | 128 | 106 | 130 | 96  | 114 | 24 | 114 | 119 |
| 4121-PCT 4121 | 886  | 122 | 13.8 | 51  | 66  | 67  | 46  | 61  | 44  | 11 | 52  | 62  |
| 4122-PCT 4122 | 1254 | 404 | 32.2 | 153 | 228 | 133 | 255 | 132 | 214 | 33 | 139 | 240 |
| 4123-PCT 4123 | 1176 | 331 | 28.1 | 135 | 176 | 117 | 197 | 120 | 171 | 19 | 96  | 214 |
| 4126-PCT 4126 | 1280 | 389 | 30.4 | 134 | 241 | 154 | 220 | 137 | 189 | 42 | 132 | 236 |
| 4130-PCT 4130 | 1115 | 270 | 24.2 | 96  | 170 | 95  | 167 | 91  | 152 | 18 | 95  | 165 |
| 4133-PCT 4133 | 1124 | 166 | 14.8 | 62  | 91  | 75  | 76  | 67  | 81  | 22 | 75  | 72  |
| 4138-PCT 4138 | 1016 | 354 | 34.8 | 115 | 219 | 142 | 187 | 122 | 168 | 33 | 150 | 177 |
| 4139-PCT 4139 | 980  | 227 | 23.2 | 88  | 128 | 93  | 126 | 82  | 116 | 14 | 74  | 141 |
| 4140-PCT 4140 | 1291 | 249 | 19.3 | 118 | 125 | 102 | 141 | 87  | 123 | 28 | 108 | 134 |
| 4142-PCT 4142 | 1228 | 163 | 13.3 | 82  | 80  | 76  | 84  | 71  | 79  | 11 | 77  | 81  |

3.

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CONSOLIDATED ELECTIONS, NOVEMBER 5, 1991

06

CITY OF SUNNYVALE - CITY COUNCIL SEATS 4, 5, 6, 7 VOTE FOR ONE EACH SEAT

|                 |       |       |      | S<br>E<br>SA<br>UT<br>N<br>N#<br>Y4<br>V<br>A<br>L<br>E | R<br>I<br>C<br>H<br>A<br>R<br>D | S<br>E<br>SA<br>UT<br>N<br>N#<br>Y5<br>V<br>A<br>L<br>E | B<br>A<br>R<br>B<br>A<br>R<br>A<br>W<br>A<br>L<br>O<br>M<br>A<br>N | S<br>E<br>SA<br>UT<br>N<br>N#<br>Y6<br>V<br>A<br>L<br>E | D<br>A<br>R<br>F<br>R<br>A<br>N<br>C<br>E<br>S<br>O<br>F<br>F<br>N<br>O<br>R<br>I<br>C<br>E<br>L<br>I<br>K | M<br>I<br>C<br>H<br>E<br>L<br>J<br>E<br>A<br>N<br>N<br>E<br>T<br>T<br>E<br>S<br>I<br>L<br>V<br>A | S<br>E<br>SA<br>UT<br>N<br>N#<br>Y7<br>V<br>A<br>L<br>E | C<br>H<br>I<br>C<br>H<br>A<br>R<br>L<br>E<br>S<br>T<br>A<br>N<br>K<br>A<br>W<br>C<br>Z<br>Y<br>W<br>S<br>K<br>I |
|-----------------|-------|-------|------|---|---------------------------------|---|--|---|--|--|---|---|
| 4146-PCT 4146   | 1066  | 169   | 15.9 | 75  | 84                              | 76  | 93   | 73  | 61   | 21   | 65  | 93  |
| 4147-PCT 4147   | 1430  | 285   | 19.9 | 119   | 151                             | 126   | 141  | 106   | 122  | 34   | 111   | 150   |
| 4150-PCT 4150   | 1070  | 269   | 25.1 | 94  | 156                             | 106   | 148  | 97  | 118  | 24   | 114   | 120   |
| 4154-PCT 4154   | 1062  | 301   | 28.3 | 104   | 183                             | 109   | 182  | 101   | 152  | 23   | 113   | 169   |
| 4155-PCT 4155   | 1074  | 217   | 20.2 | 96  | 112                             | 100   | 110  | 80  | 97   | 28   | 93  | 112   |
| ABSENTEE TOTALS | 59725 | 2246  | 3.8  | 956   | 1107                            | 983   | 1103   | 910   | 866  | 229  | 896   | 1150  |
| GRAND TOTALS    | 59725 | 16584 | 27.8 | 6714  | 8900                            | 7041  | 8615   | 6107  | 7784   | 1490   | 6409  | 9027  |

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8

CONSOLIDATED ELECTIONS, NOVEMBER 5, 1991

07

CITY OF SUNNYVALE - MEASURES M, I, J

|          |      | R<br>E<br>G<br>I<br>S<br>T<br>R<br>A<br>T<br>I<br>O<br>N |     | B<br>A<br>L<br>L<br>O<br>T<br>S<br><br>C<br>A<br>S<br>T |  | T<br>U<br>R<br>N<br>O<br>U<br>T |  | C<br>I<br>T<br>Y<br>M<br>A<br>O<br>V<br>F<br>O<br>R<br>S<br>U<br>B<br>U<br>N<br>Y<br>V<br>A<br>L<br>L<br>E<br>C<br>-<br>I<br>M<br>L<br>E<br>A<br>V<br>S<br>O<br>T<br>H<br>E<br>S |     | C<br>I<br>T<br>Y<br>O<br>F<br>S<br>U<br>N<br>N<br>Y<br>V<br>A<br>L<br>L<br>E<br>C<br>-<br>A<br>M<br>R<br>E<br>A<br>W<br>S<br>A<br>I<br>T<br>S |     | C<br>I<br>T<br>Y<br>O<br>N<br>F<br>I<br>D<br>E<br>N<br>T<br>I<br>F<br>I<br>C<br>A<br>T<br>I<br>O<br>N |     | C<br>I<br>T<br>Y<br>O<br>N<br>F<br>I<br>D<br>E<br>N<br>T<br>I<br>F<br>I<br>C<br>A<br>T<br>I<br>O<br>N |  |
|----------|------|--|-----|---|--|---------------------------------|--|--|-----|---|-----|---|-----|---|--|
| 4001-PCT | 4001 | 861  | 282 | 32.8  |  |                                 |  | 131  | 117 | 189   | 60  | 138   | 123 |   |  |
| 4002-PCT | 4002 | 918  | 189 | 20.6  |  |                                 |  | 88   | 82  | 132   | 39  | 95  | 81  |   |  |
| 4004-PCT | 4004 | 763  | 228 | 29.9  |  |                                 |  | 116  | 95  | 158   | 49  | 118   | 96  |   |  |
| 4007-PCT | 4007 | 1247   | 224 | 18.0  |  |                                 |  | 114  | 100 | 161   | 54  | 101   | 109 |   |  |
| 4014-PCT | 4014 | 1028   | 170 | 16.5  |  |                                 |  | 83   | 78  | 121   | 36  | 63  | 96  |   |  |
| 4015-PCT | 4015 | 669  | 52  | 7.8   |  |                                 |  | 29   | 22  | 39  | 11  | 23  | 27  |   |  |
| 4018-PCT | 4018 | 1325   | 180 | 14.3  |  |                                 |  | 82   | 89  | 125   | 47  | 84  | 92  |   |  |
| 4020-PCT | 4020 | 1127   | 244 | 21.7  |  |                                 |  | 129  | 95  | 180   | 34  | 101   | 126 |   |  |
| 4021-PCT | 4021 | 1234   | 197 | 16.0  |  |                                 |  | 119  | 63  | 126   | 49  | 104   | 72  |   |  |
| 4022-PCT | 4022 | 1072   | 250 | 23.3  |  |                                 |  | 131  | 97  | 159   | 63  | 123   | 110 |   |  |
| 4028-PCT | 4028 | 1057   | 302 | 28.6  |  |                                 |  | 198  | 85  | 225   | 46  | 167   | 116 |   |  |
| 4035-PCT | 4035 | 1215   | 181 | 14.9  |  |                                 |  | 104  | 70  | 137   | 34  | 79  | 87  |   |  |
| 4036-PCT | 4036 | 1101   | 200 | 18.2  |  |                                 |  | 119  | 75  | 131   | 53  | 92  | 101 |   |  |
| 4038-PCT | 4038 | 1390   | 405 | 29.1  |  |                                 |  | 253  | 135 | 284   | 96  | 207   | 177 |   |  |
| 4041-PCT | 4041 | 1361   | 411 | 30.2  |  |                                 |  | 252  | 137 | 289   | 96  | 210   | 171 |   |  |
| 4043-PCT | 4043 | 784  | 292 | 37.2  |  |                                 |  | 178  | 97  | 193   | 82  | 137   | 141 |   |  |
| 4045-PCT | 4045 | 995  | 229 | 23.0  |  |                                 |  | 142  | 75  | 156   | 56  | 104   | 116 |   |  |
| 4047-PCT | 4047 | 1215   | 406 | 33.4  |  |                                 |  | 261  | 127 | 282   | 101 | 202   | 181 |   |  |
| 4050-PCT | 4050 | 1218   | 178 | 14.6  |  |                                 |  | 78   | 88  | 120   | 45  | 87  | 83  |   |  |
| 4054-PCT | 4054 | 686  | 167 | 24.3  |  |                                 |  | 85   | 61  | 98  | 42  | 76  | 77  |   |  |
| 4055-PCT | 4055 | 938  | 348 | 37.1  |  |                                 |  | 243  | 89  | 267   | 61  | 174   | 155 |   |  |
| 4057-PCT | 4057 | 898  | 359 | 40.0  |  |                                 |  | 202  | 105 | 231   | 68  | 210   | 122 |   |  |
| 4060-PCT | 4060 | 1389   | 220 | 15.8  |  |                                 |  | 91   | 115 | 148   | 57  | 111   | 99  |   |  |
| 4062-PCT | 4062 | 941  | 214 | 22.7  |  |                                 |  | 117  | 88  | 148   | 52  | 89  | 114 |   |  |
| 4063-PCT | 4063 | 1238   | 298 | 23.0  |  |                                 |  | 182  | 93  | 204   | 59  | 152   | 126 |   |  |
| 4064-PCT | 4064 | 1119   | 181 | 16.2  |  |                                 |  | 78   | 89  | 105   | 58  | 72  | 96  |   |  |
| 4067-PCT | 4067 | 1004   | 277 | 27.6  |  |                                 |  | 150  | 104 | 187   | 44  | 128   | 128 |   |  |
| 4069-PCT | 4069 | 1139   | 377 | 33.3  |  |                                 |  | 253  | 110 | 258   | 98  | 179   | 174 |   |  |
| 4070-PCT | 4070 | 1171   | 382 | 32.6  |  |                                 |  | 254  | 116 | 272   | 89  | 179   | 179 |   |  |
| 4071-PCT | 4071 | 1087   | 234 | 21.5  |  |                                 |  | 139  | 86  | 179   | 42  | 111   | 115 |   |  |
| 4075-PCT | 4075 | 1147   | 198 | 17.3  |  |                                 |  | 106  | 83  | 144   | 41  | 107   | 83  |   |  |

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|               |      |     |      |
|---------------|------|-----|------|
| 4078-PCT 4078 | 1146 | 358 | 31.2 |
| 4087-PCT 4087 | 618  | 73  | 11.8 |
| 4088-PCT 4088 | 1276 | 496 | 38.9 |
| 4096-PCT 4096 | 1153 | 314 | 27.2 |
| 4097-PCT 4097 | 909  | 259 | 28.5 |
| 4101-PCT 4101 | 919  | 170 | 18.5 |
| 4110-PCT 4110 | 906  | 233 | 25.7 |
| 4114-PCT 4114 | 1065 | 389 | 36.5 |
| 4120-PCT 4120 | 1290 | 245 | 19.0 |
| 4121-PCT 4121 | 886  | 122 | 13.8 |
| 4122-PCT 4122 | 1254 | 404 | 32.2 |
| 4123-PCT 4123 | 1176 | 331 | 28.1 |
| 4126-PCT 4126 | 1280 | 389 | 30.4 |
| 4130-PCT 4130 | 1115 | 270 | 24.2 |
| 4133-PCT 4133 | 1124 | 166 | 14.8 |
| 4138-PCT 4138 | 1016 | 354 | 34.8 |
| 4139-PCT 4139 | 980  | 227 | 23.2 |
| 4140-PCT 4140 | 1291 | 249 | 19.3 |
| 4142-PCT 4142 | 1228 | 163 | 13.3 |

|     |     |
|-----|-----|
| 242 | 104 |
| 33  | 35  |
| 395 | 89  |
| 207 | 88  |
| 159 | 86  |
| 93  | 60  |
| 164 | 55  |
| 279 | 98  |
| 146 | 95  |
| 54  | 66  |
| 292 | 99  |
| 234 | 78  |
| 257 | 120 |
| 183 | 84  |
| 95  | 64  |
| 245 | 102 |
| 150 | 69  |
| 161 | 76  |
| 65  | 92  |

|     |     |
|-----|-----|
| 267 | 76  |
| 55  | 15  |
| 361 | 103 |
| 236 | 54  |
| 191 | 46  |
| 101 | 54  |
| 164 | 49  |
| 284 | 86  |
| 184 | 51  |
| 89  | 30  |
| 309 | 73  |
| 245 | 59  |
| 275 | 94  |
| 146 | 116 |
| 113 | 41  |
| 258 | 77  |
| 169 | 47  |
| 182 | 54  |
| 106 | 48  |

|     |     |
|-----|-----|
| 189 | 163 |
| 34  | 34  |
| 251 | 210 |
| 162 | 144 |
| 132 | 121 |
| 78  | 76  |
| 116 | 98  |
| 201 | 169 |
| 120 | 118 |
| 59  | 68  |
| 218 | 171 |
| 167 | 146 |
| 203 | 179 |
| 102 | 182 |
| 78  | 79  |
| 182 | 148 |
| 95  | 120 |
| 134 | 109 |
| 84  | 75  |



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9

CONSOLIDATED ELECTIONS, NOVEMBER 5, 1991

07

CITY OF SUNNYVALE - MEASURES H, I, J

|                 | REGISTRATION | BALLOTS CAST | TURNOUT | CITY OF SUNNYVALE | MEASURES H, I, J | CITY OF SUNNYVALE | MEASURES H, I, J | CITY OF SUNNYVALE | MEASURES H, I, J |
|-----------------|--------------|--------------|---------|-------------------|------------------|-------------------|------------------|-------------------|------------------|
| 4146-PCT 4146   | 1066         | 169          | 15.9    | 87                | 78               | 113               | 46               | 73                | 86               |
| 4147-PCT 4147   | 1430         | 285          | 19.9    | 158               | 106              | 216               | 48               | 122               | 147              |
| 4150-PCT 4150   | 1070         | 268          | 25.1    | 176               | 78               | 188               | 56               | 125               | 121              |
| 4154-PCT 4154   | 1062         | 301          | 28.3    | 220               | 74               | 222               | 58               | 153               | 132              |
| 4155-PCT 4155   | 1074         | 217          | 20.2    | 115               | 95               | 150               | 56               | 97                | 113              |
| ABSENTEE TOTALS | 59725        | 2246         | 3.8     | 1274              | 816              | 1586              | 484              | 1088              | 979              |
| GRAND TOTALS    | 59725        | 16584        | 27.8    | 9991              | 5674             | 11688             | 3664             | 6060              | 7541             |

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CONSOLIDATED ELECTIONS, NOVEMBER 5, 1991

08

CITY OF SUNNYVALE - MEASURES K, L, M

|          |      |  | REGISTRATION | BALLOTS CAST | TURNOUT | CITY OF COUNCILMAN ACROSS |     | CITY OF SUNNYVALE ELECTORAL MEMBERS |     | CITY OF SUNNYVALE ELECTORAL MEMBERS |     |
|----------|------|--|--------------|--------------|---------|---------------------------|-----|-------------------------------------|-----|-------------------------------------|-----|
| 4001-PCT | 4001 |  | 861          | 282          | 32.8    | 169                       | 79  | 135                                 | 136 | 150                                 | 103 |
| 4002-PCT | 4002 |  | 918          | 189          | 20.6    | 105                       | 65  | 92                                  | 87  | 100                                 | 78  |
| 4004-PCT | 4004 |  | 763          | 228          | 29.9    | 132                       | 77  | 115                                 | 104 | 138                                 | 76  |
| 4007-PCT | 4007 |  | 1247         | 224          | 18.0    | 133                       | 72  | 105                                 | 109 | 92                                  | 116 |
| 4014-PCT | 4014 |  | 1028         | 170          | 16.5    | 85                        | 70  | 82                                  | 79  | 88                                  | 70  |
| 4015-PCT | 4015 |  | 669          | 52           | 7.8     | 32                        | 14  | 27                                  | 24  | 30                                  | 20  |
| 4018-PCT | 4018 |  | 1325         | 190          | 14.3    | 103                       | 66  | 110                                 | 73  | 108                                 | 68  |
| 4020-PCT | 4020 |  | 1127         | 244          | 21.7    | 149                       | 69  | 125                                 | 110 | 132                                 | 90  |
| 4021-PCT | 4021 |  | 1234         | 197          | 16.0    | 124                       | 49  | 84                                  | 106 | 101                                 | 73  |
| 4022-PCT | 4022 |  | 1072         | 250          | 23.3    | 126                       | 102 | 110                                 | 132 | 134                                 | 99  |
| 4028-PCT | 4028 |  | 1057         | 302          | 28.6    | 209                       | 69  | 104                                 | 186 | 164                                 | 118 |
| 4035-PCT | 4035 |  | 1215         | 181          | 14.9    | 122                       | 44  | 88                                  | 88  | 95                                  | 72  |
| 4036-PCT | 4036 |  | 1101         | 200          | 18.2    | 115                       | 70  | 87                                  | 111 | 90                                  | 98  |
| 4038-PCT | 4038 |  | 1390         | 405          | 29.1    | 260                       | 117 | 154                                 | 241 | 200                                 | 178 |
| 4041-PCT | 4041 |  | 1361         | 411          | 30.2    | 279                       | 93  | 160                                 | 233 | 186                                 | 186 |
| 4043-PCT | 4043 |  | 784          | 292          | 37.2    | 195                       | 74  | 105                                 | 182 | 137                                 | 132 |
| 4045-PCT | 4045 |  | 995          | 229          | 23.0    | 144                       | 78  | 90                                  | 137 | 129                                 | 90  |
| 4047-PCT | 4047 |  | 1215         | 406          | 33.4    | 280                       | 94  | 128                                 | 271 | 190                                 | 183 |
| 4050-PCT | 4050 |  | 1218         | 178          | 14.6    | 104                       | 63  | 110                                 | 63  | 89                                  | 77  |
| 4054-PCT | 4054 |  | 686          | 167          | 24.3    | 92                        | 55  | 78                                  | 80  | 63                                  | 64  |
| 4055-PCT | 4055 |  | 938          | 348          | 37.1    | 239                       | 77  | 101                                 | 239 | 193                                 | 131 |
| 4057-PCT | 4057 |  | 898          | 359          | 40.0    | 217                       | 92  | 159                                 | 183 | 206                                 | 123 |
| 4060-PCT | 4060 |  | 1389         | 220          | 15.8    | 137                       | 67  | 138                                 | 74  | 125                                 | 86  |
| 4062-PCT | 4062 |  | 941          | 214          | 22.7    | 131                       | 69  | 108                                 | 103 | 126                                 | 82  |
| 4063-PCT | 4063 |  | 1298         | 298          | 23.0    | 177                       | 93  | 104                                 | 182 | 153                                 | 115 |
| 4064-PCT | 4064 |  | 1119         | 181          | 16.2    | 97                        | 63  | 85                                  | 89  | 87                                  | 79  |
| 4067-PCT | 4067 |  | 1004         | 277          | 27.6    | 161                       | 90  | 142                                 | 126 | 155                                 | 98  |
| 4069-PCT | 4069 |  | 1133         | 377          | 33.3    | 252                       | 94  | 121                                 | 249 | 174                                 | 179 |
| 4070-PCT | 4070 |  | 1171         | 382          | 32.6    | 237                       | 111 | 140                                 | 231 | 191                                 | 186 |
| 4071-PCT | 4071 |  | 1087         | 234          | 21.5    | 149                       | 75  | 96                                  | 134 | 122                                 | 106 |
| 4075-PCT | 4075 |  | 1147         | 198          | 17.3    | 123                       | 61  | 109                                 | 84  | 118                                 | 70  |

4078-PCT 4078 1146 358 31.2  
 4087-PCT 4087 618 73 11.8  
 4088-PCT 4088 1276 496 38.9  
 4096-PCT 4096 1153 314 27.2  
 4097-PCT 4097 909 259 28.5  
 4101-PCT 4101 919 170 18.5  
 4110-PCT 4110 906 233 25.7  
 4114-PCT 4114 1065 389 36.5  
 4120-PCT 4120 1290 245 19.0  
 4121-PCT 4121 886 122 13.8  
 4122-PCT 4122 1254 404 32.2  
 4123-PCT 4123 1176 331 28.1  
 4126-PCT 4126 1280 389 30.4  
 4130-PCT 4130 1115 270 24.2  
 4133-PCT 4133 1124 166 14.8  
 4138-PCT 4138 1016 354 34.8  
 4139-PCT 4139 980 227 23.2  
 4140-PCT 4140 1291 249 19.3  
 4142-PCT 4142 1228 163 13.3

234 93  
 46 23  
 332 126  
 219 84  
 166 84  
 101 41  
 145 65  
 243 118  
 164 89  
 82 34  
 260 121  
 208 98  
 273 100  
 130 135  
 107 49  
 239 75  
 147 68  
 180 58  
 105 52

104 241  
 44 27  
 95 393  
 104 203  
 91 164  
 74 87  
 74 153  
 107 274  
 98 142  
 73 48  
 108 291  
 91 235  
 142 245  
 96 174  
 76 86  
 107 239  
 77 147  
 94 152  
 99 61

185 153  
 44 24  
 224 233  
 169 137  
 133 119  
 90 65  
 122 88  
 190 175  
 120 116  
 62 56  
 219 163  
 155 152  
 195 178  
 122 143  
 87 67  
 184 134  
 109 104  
 154 89  
 99 61

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AMENDMENT TO THE CHARTER  
OF THE CITY OF SUNNYVALE  
AS RATIFIED BY THE ELECTORS  
ON NOVEMBER 5, 1991

CERTIFICATION AND AUTHENTICATION OF AMENDMENT TO THE CHARTER OF  
THE CITY OF SUNNYVALE AS RATIFIED BY ELECTORS ON NOVEMBER 5, 1991

Pursuant to Section 34464 of the Government Code, the undersigned hereby certify and authenticate the attached amendments to the Charter of the City of Sunnyvale ratified by the electors of the City at a Special Municipal Election called for such purpose and consisting of the following change (which are designated by the letter of the respective Measure that proposed the change to the electors):

I. Amendment to the text of Section 601.

  
Richard Napier, Mayor

  
Thomas F. Lewcock, City Clerk

ATTEST:

By   
Carol Ann Butler, Deputy City Clerk



AMENDED CHARTER

SECTION 601 OF ARTICLE VI IS AMENDED TO READ:

Section 601. 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 years, commencing the Tuesday following the member's election, and until a successor is elected and qualified. The term of each Councilmember in office 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.

No person shall be eligible to serve as a member of the City Council for more than two (2) successive four-year elective terms. Any person who has served two (2) successive four-year elective terms shall not serve again until at least four (4) years have passed since that person last held office. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year terms after the expiration of the unexpired term which he/she filled.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

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

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

**Policy 7.3.15 Appointment of Interim Councilmembers**

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**POLICY PURPOSE:**

The purpose of this policy is to promote transparency in the provision of a clear process for the City Council to appoint an interim Councilmember to serve on a temporary basis when a Councilmember is called to active military service or in the event a vacancy is created by the death or involuntary removal of a member from office within the last 180 days of their term. This policy is intended to provide processes in compliance with City Charter Section 604 and California Military and Veteran's Code Section 395.8.

**POLICY STATEMENT:**

1. In the event an absence from office is anticipated when a Councilmember must enter upon active military service pursuant to California Military and Veteran's Code, the City Council may appoint an interim Councilmember to serve until the discharge or release and return of the member who has been called to duty. In the event a vacancy is created by the death or involuntary removal of a member from office where the unexpired term of the deceased or removed member does not exceed one hundred eighty days, the City Council may appoint an interim Councilmember to serve the remainder of the term vacated. In either case, if Council decides to make an interim appointment, it shall be processed as follows:
  - A. At an open and public, regular meeting, Council shall announce the interim opening. In the event the opening is created by the death or involuntary removal of a member, the Council shall officially declare the seat vacant.
  - B. At the meeting at which the announcement is made, Council shall set an application period for receiving applications and questionnaires from candidates for appointment.
  - C. Council shall hold an open and public meeting to interview all eligible candidates. The interview process shall be structured to allow the public to ask questions or provide comment during the applicants' interviews.
  - D. Council shall hold a public hearing to receive public comment prior to making the appointment.
  - E. Following the public hearing, the Mayor shall announce the method by which voting will take place in accordance with the number of candidates. If there are five or more candidates for the interim opening, the appointment process shall be conducted by instant runoff voting.
    - (I) If there are less than five candidates, the Mayor shall announce each candidate's name. Council will vote on each candidate. The candidate receiving the most affirmative votes will be appointed. 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, the Mayor would ask the city attorney to draw the name of the person to be appointed.

## COUNCIL POLICY MANUAL

- (II) If there are five or more candidates, the Mayor shall ask each Councilmember to rank the candidates from first choice to last choice on a written ballot. The Mayor may choose to recess the meeting while the City Clerk counts the ballots. If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, and one candidate has received the fewest first-choice votes, that candidate shall be eliminated, with his or her votes reassigned to the voters' second-choice candidates. If multiple candidates have tied for the fewest first-choice votes by receiving only one vote each, they shall be eliminated and their votes reassigned in the same manner. If multiple candidates have tied for the fewest first-choice votes by receiving two votes each, whichever one of them has received the fewest second-choice votes shall be eliminated and the votes reassigned. If multiple candidates have tied for the fewest first choice votes by receiving two votes each, and have the same number of second-choice votes, the clerk shall call for a tiebreaker vote between those candidates, with the loser of the tiebreaker being eliminated and having his or her first-choice votes reassigned. The counting process shall continue until one candidate has at least four votes and is declared to be elected. The City Clerk shall announce the result of the voting.
- 2. Pursuant to the Charter, if the Council fails to fill the interim vacancy created by the death or involuntary removal of a member within the sixty-day period, the City Council shall call a Special Municipal Election for the purpose of filling the vacancy. The Special Municipal Election shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. If a general municipal or statewide election is scheduled within one hundred and eighty (180) days from the date the vacancy is declared, the Special Municipal Election shall be consolidated with the general or statewide election.

((Adopted: RTC #10-222 (August 31, 2010))

Lead Department: Office of the City Manager



**CITY OF SUNNYVALE**  
**APPLICATION / QUESTIONNAIRE FOR CANDIDATES FOR**  
**APPOINTMENT AS INTERIM COUNCIL MEMBER**

*The City supports its demographic diversity and encourages  
applicants from all groups to apply.*

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

**Office Use Only**

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

Residency

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

Form 700 filed: \_\_\_\_\_

General eligibility requirements: To qualify as a candidate for Interim City Council Member, a person must be 18 years of age, a Sunnyvale resident and must be a registered voter of the City. For more information, please contact the Office of the City Clerk at (408) 730-7595, TDD (408) 730-7501 or visit our Web site at: [Sunnyvale.ca.gov](http://Sunnyvale.ca.gov).

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- 
1. Applicant Name: \_\_\_\_\_  
Last First
- M.I.
2. Current Residence \_\_\_\_\_  
Street City State
- Zip \_\_\_\_\_
- Mailing Address: \_\_\_\_\_  
(If different from above) Street City State
- Zip \_\_\_\_\_
- E-mail Address: \_\_\_\_\_
3. Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_
4. How long have you been a resident of Sunnyvale? \_\_\_\_\_
5. Are you a currently-registered voter in Sunnyvale? \_\_\_\_\_ When was the last time you voted?  
Month \_\_\_\_\_ Year \_\_\_\_\_
6. Do you have previous experience as a City Council Member? \_\_\_\_\_  
If yes, how much? \_\_\_\_\_ Terms served \_\_\_\_\_  
\_\_\_\_\_ Terms served \_\_\_\_\_
7. 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 \_\_\_\_\_
8. Why do you want to serve as an Interim Council Member?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
9. What skills or attributes can you bring to the City?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
10. Why are you the best candidate to serve as Interim Council Member?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

11. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve the City.

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12. Briefly describe your current or last occupation.

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13. 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.

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14. Describe your involvement in community activities, volunteer and civic organizations. **Do not list party affiliation, memberships or activities in partisan political organizations.**

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15. The City has a Code of Ethics and Conduct for Elected and Appointed Officials and attendance requirements that elected and appointed members are required to follow. Do you have any concerns in these two areas? If so, please describe.

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**Please Note:** 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) 730-7595 at least five days in advance of your scheduled interview.

**IMPORTANT NOTICE**

**A City Council member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this 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 Web site and the City's official roster.**

**City Council Members and Candidates for Elective Office are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the Office of the City Clerk or by visiting [www.fppc.ca.gov](http://www.fppc.ca.gov).**

I certify under penalty of perjury that all statements I have made on this application / questionnaire 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 / questionnaire will be cause for refusal of appointment.

**THIS APPLICATION / QUESTIONNAIRE AND A STATEMENT OF ECONOMIC INTERESTS (FORM 700) MUST BE SIGNED, DATED AND RETURNED PRIOR TO THE DEADLINE SET BY COUNCIL.**

Signature of Applicant

Date

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**Please return to: Office of the City Clerk, 603 All America Way, P.O. Box 3707, Sunnyvale, CA 94088-3707**



## AGENDA REPORT

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**Date:** March 7, 2016

**To:** City Manager for Council Action

**From:** City Clerk/Auditor

**Subject:** Special Order of Business: Interviews and Appointment of a Member to City Council Seat No. 6

### EXECUTIVE SUMMARY

At the City Council meeting of February 23, 2016, City Council declared a vacancy in City Council Seat No. 6 for the unexpired term of the former incumbent, November 2016, set March 4, 2016 at 12:00 pm as the deadline for receipt of applications and letters of interest and set a Special Meeting on March 7, 2016 at 7:00 pm for interviews and an appointment.

A total of seventeen applications were received for the selection in City Council Seat No. 6. All applications are listed in the attached Summary of Applicants and are scheduled to be interviewed by the City Council at 7:00 pm on the March 7, 2016 in the City Hall Council Chambers.

### ADVANTAGES AND DISADVANTAGES OF ISSUE

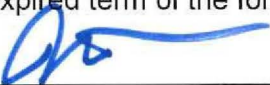
An advantage is that the appointment will complete a full City Council. There are no disadvantages.

### ECONOMIC/FISCAL IMPACT


There is no cost to the City other than administrative staff time and expense.

### RECOMMENDATION

That the Council appoint one applicant to fill the vacancy on City Council Seat No. 6 for the unexpired term of the former incumbent, November 2016.

  
\_\_\_\_\_  
Rod Diridon, Jr.  
City Clerk/Auditor

APPROVED:

  
\_\_\_\_\_  
Julio J. Fuentes  
City Manager

*Documents Related to this Report:*

- 1) List of Applicants
- 2) Applications





## STAFF REPORT

**Agency:** City of Belmont  
**Staff Contact:** Scott Rennie, City Attorney  
**Agenda Title:** Consideration of Options to Fill City Council Vacancy  
**Agenda Action:** Discussion and Direction

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### **Recommendation**

Staff recommends that the City Council determine the procedure – appointment or special election – that the Council wishes to follow to fill the existing vacancy on the City Council.

### **Background**

City Councilmember Eric Reed was elected in November 2013 to a term of office that will expire after certification of the November 2018 general municipal election. Councilmember Reed passed away in office on December 8, 2017, approximately 11 months before the end of his term.

A City Council seat becomes vacant upon the death of the incumbent<sup>1</sup>. When a vacancy occurs, Government Code Section 36512 provides that the Council must within 60 days of the commencement of the vacancy either: (1) fill the vacancy by appointment; or (2) call a special election to fill the vacancy. Accordingly, the Council must either make an appointment or call a special election by February 6, 2018. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent<sup>2</sup> and possesses all the rights and powers and is subject to all the liabilities, duties and obligations of the councilmember whose vacancy he or she fills.<sup>3</sup>

### **Analysis**

The City Council has the following options to fill the vacancy. A common requirement of all options discussed below is that the Council must make a decision and complete all actions necessary to implement the decision by **February 6, 2018**.

#### **1. Appoint for the Remainder of the Term.**

Under this option, the City Council may appoint a resident to the vacant council seat. The Council has broad authority to conduct the process and make the appointment in the manner that it deems best. The Council could directly appoint an individual to fill the vacancy after deliberation and a majority vote of the Council without soliciting applications. Alternatively, the Council could consider an application and interview process to select a resident to fill the vacancy.

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<sup>1</sup> Government Code § 1770(a).

<sup>2</sup> Government Code § 36512(b).

<sup>3</sup> Government Code § 1777.

## 2. Call a Special Election to Fill the Unexpired Term

If the City Council chooses not to appoint, it must call a special election to be held on the next regularly established election date<sup>4</sup> not less than 114 days from the call of the special election.<sup>5</sup> Because the vacancy commenced on December 8, 2017, the next regularly established (polling place) election date that falls after the 114 day period (measured from the date of this meeting) is June 5, 2018. The cost of holding a special election would be approximately \$25,000. To effectuate this option, the City Council must adopt a resolution calling for a special election before February 6, 2018.

If the Council chooses to call a special election, there are two alternatives that it may wish to consider. The first alternative would be for the Council to make an interim appointment until the special election is held. This option would require the Council to adopt an ordinance that enables the City Council to make the interim appointment under Government Code Section 36512(c). The second alternative would be to conduct an “all-mail ballot” special election instead of holding a traditional polling place election on June 5, 2018. An all-mail ballot special election may be held any time 114 days after the call for the election. This option would cost approximately \$58,000.

### **Alternatives**

None.

### **Attachments**

None.

### **Fiscal Impact**

- ☐ No Impact/Not Applicable      Selection of options will determine impact.  
☐ Funding Source Confirmed:

#### **Source:**

- ☒ Council  
☐ Staff  
☐ Citizen Initiated  
☐ Other\*

#### **Purpose:**

- ☒ Statutory/Contractual Requirement  
☐ Council Vision/Priority  
☐ Discretionary Action  
☐ Plan Implementation\*

#### **Public Outreach:**

- ☒ Posting of Agenda  
☐ Other\*

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<sup>4</sup> Under Election Code § 1000, the established election dates for 2018 are April 3, June 5, and November 6.

<sup>5</sup> Government Code § 36512(b).

**Minutes of Special Meeting of December 14, 2017**

**City Hall, Third Floor Conference Room 360 One Twin Pines Lane, Belmont, California**

**CALL TO ORDER: 11:07 A.M.**

**ROLL CALL**

Councilmembers Present: Hurt, Kim, Stone, Lieberman (arrived 11:14 a.m.)

Councilmembers Absent: None

**ITEM OF BUSINESS**

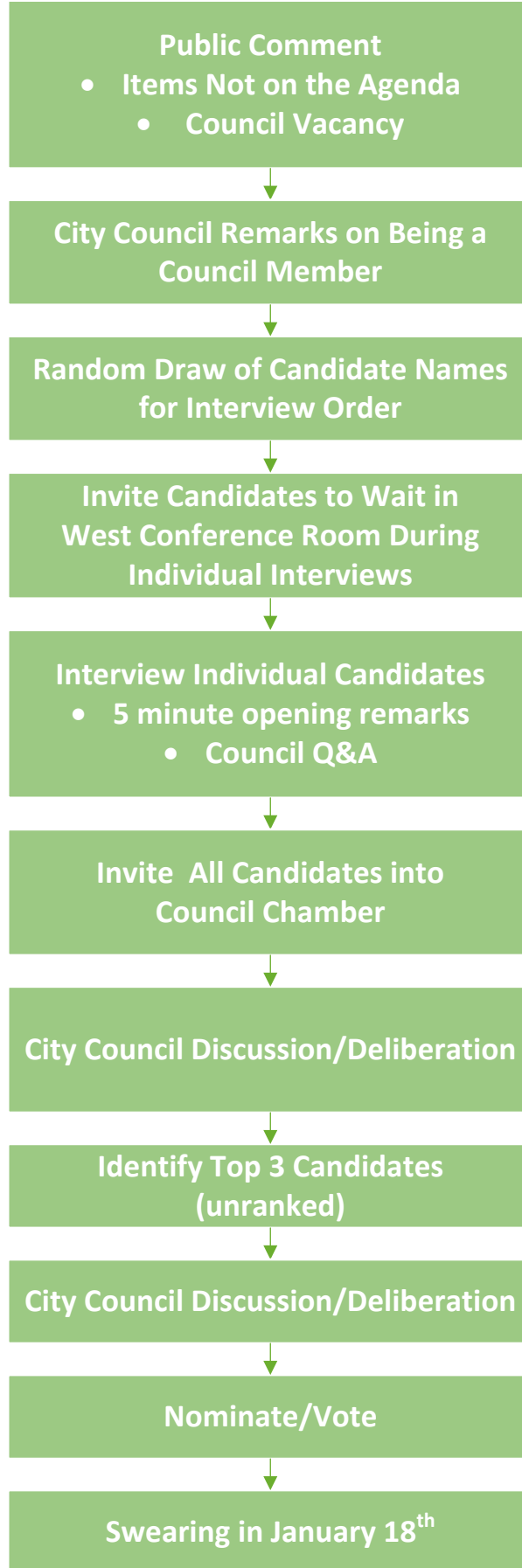
**Consideration of Options to Fill City Council Vacancy**

The City Council discussed option to fill a vacancy due to the recent passing of Councilmember Reed. The Council is required to take action by February 6, 2018, by either appointing a new member or calling for a special election to fill the vacancy for the remainder of the term ending November 2018.


**ACTION:** on a motion by Councilmember Stone, seconded by Councilmember Lieberman, it was unanimously approved to proceed with advertisement for applications.

**ADJOURNMENT at this time being 11:20 A.M.**

**Jozi Plut  
Deputy City Clerk**



**CITY OF CHICO**  
**Administrative Procedure and Policy Manual**

|   |   |
|---|---|
| Subject: Council Vacancy Administrative Procedure and Policy  | Number: 10-44   |
|   | Effective Date: 11/20/12  |
| Department(s) Affected: City Clerk  | Supersedes: n/a   |
| Authority: Charter - Article IV. Elective Officers, Section 406;<br>Government Code §36512 (b); Council Action 11/20/12 | File Reference:   |
|   | Approved:  |

**Council Vacancies** - The purpose of this policy is to provide a process to assist the City Council in the event a vacancy should occur on the Council.

The Charter of the City of Chico as well as Government Code §36512 (b) grants the Council the authority to appoint a qualified citizen (as defined by the Charter) to complete the remainder of the term vacated. Should the Council wish to appoint, then it must do so within 30 days of the date the Council formally declares the seat vacant, or call for a Special Election.

**I. In the event a vacancy has occurred:**

1. At a regularly scheduled meeting, Council shall declare the seat vacant.
2. At the meeting at which the announcement is made, Council shall either call for a special election or set an recruitment period for receiving formal applications from qualified citizens for consideration of appointment. Should the appointment process be selected, the meeting at which the interviews will take place will be scheduled.
3. If an appointment process is used, then the City Clerk will handle the recruitment, with an official application (Exhibit "A") to be completed,
4. Applicants will be notified of the meeting where the interviews will take place and that they should be prepared to respond to questions during the interview from the City Council on the following broad topics, or those determined by the Council at the time the vacancy occurs:
  - a. Near and long-range (10-year) perspective for the community;
  - b. Quality of life challenges and opportunities;
  - c. Community leadership and interpersonal skills; and
  - d. Community fiscal health and resource issues.

Public comments will be taken following the applicant interviews.

5. Following the interviews, each Councilmember shall nominate up to two citizens for final consideration. Completed nomination forms will be submitted to the City Clerk according to the schedule outlined by Council whereupon the City Clerk will create an official ballot.
6. Voting will occur by ballot. Once a nominee has received a majority vote (four or more votes), he or she will be confirmed as appointed.
7. The Oath of Office will be administered at the next regularly scheduled Council meeting whereby the vacant seat will be filled.

**II. Should the vacancy occur due to military service, the appointment will be an interim appointment in accordance with California Military and Veteran's Code Section 395.8.**

- 
- III. Pursuant to the Charter of the City of Chico, if the Council fails to fill the vacancy within the 30 day period, the City Council shall call a Special Municipal Election for the purpose of filling the vacancy.

The Special Municipal election shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. If a general municipal or statewide election is scheduled within one hundred and eighty (180) days from the date the vacancy is declared, the Special Municipal Election shall be consolidated with the general or statewide election.

**RESOLUTION NO. 2012/70**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
INVITING APPLICATIONS FOR APPOINTMENT TO THE  
CITY COUNCIL TO FILL THE UNEXPIRED TERM OF WADE HARPER**

**WHEREAS**, Councilmember Wade Harper was elected Mayor of the City of Antioch with two years remaining on his City Council term, thus creating a vacancy in that position; and

**WHEREAS**, Government Code §36512 requires the City Council to make an appointment or call a special election within 60 days of the occurrence of the vacancy; and

**WHEREAS**, the City Council desires to invite applications from those persons interested in being appointed to vacated City Council seat, with the term expiring in November 2014;

**NOW, THEREFORE, BE IT RESOLVED** that the following rules are established for the invitation and consideration of applications:

1. Not later than 4:30 p.m. on Thursday, December 13, 2012, persons interested in being considered for appointment to the remaining term shall submit to the City Clerk:

- a) Nomination Paper with the signatures of at least 20 but not more than 30 Antioch registered voters;
- b) Candidate's Statement not exceeding 400 words, indicating why the applicant has an interest in being appointed to the Antioch City Council, his or her qualifications, background, and any other information which the candidate considers would be useful to the City Council in selecting and making an appointment; and
- c) A completed Statement of Economic Interests (Form 700 from the Fair Political Practices Commission).

2. On Tuesday, December 18, 2012 starting at 6:00 p.m. applicants may make an oral statement to the City Council in an open and public City Council meeting not exceeding three minutes in length summarizing their Candidate's Statement.

3. It is the intention of the City Council to make an appointment on December 18, 2012.

\* \* \* \* \*



**RESOLUTION NO. 2012/70**

December 4, 2012

Page Two

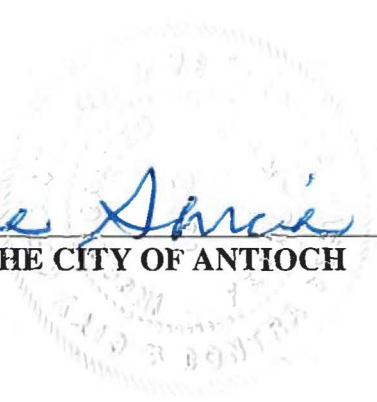
**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 4th day of December 2012, by the following vote:

**AYES:** Council Members Wilson, Rocha and Mayor Harper

**NOES:** Council Member Agopian

**ABSENT:** None

*for* Christine Sarcia  
CITY CLERK OF THE CITY OF ANTIOCH





## ELECTIONS CODE - ELEC

### **DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS [13000 - 13502]** ( *Division 13 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

#### **CHAPTER 2. Forms of Ballots: Ballot Order [13100 - 13121]** ( *Chapter 2 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

**13107.** (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people.

(2) The word “incumbent” if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

(4) The phrase “appointed incumbent” if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word “appointed” and the title of the office. In either instance, the candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.” However, the phrase “appointed incumbent” shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) (1) Except as specified in paragraph (2), for candidates for judicial office, immediately under the name of each candidate, and not separated from the name by any line, only one of the following designations may appear at the option of the candidate:

(A) Words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination documents.

(B) The word “incumbent” if the candidate is a candidate for the same office that he or she holds at the time of filing the nomination papers.

(C) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

(2) For a candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or by the United States, the designation shall appear as one of the following:

(A) Words designating the actual job title, as defined by statute, charter, or other governing instrument.

(B) One of the following ballot designations: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The designations “Attorney” and “Lawyer” may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.