



City of Sunnyvale

Notice and Agenda

Charter Review Committee

Thursday, February 22, 2018

6:00 PM

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

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 [18-0188](#) Approve Charter Review Committee Meeting Minutes of February 8, 2018

Recommendation: Approve Charter Review Committee Meeting Minutes of February 8, 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 [18-0189](#) Discussion of Alternatives to Filling Councilmember Vacancies and Amendments to City Charter Section 604, Including Adding an Appointment Provision, and Direction on Next Steps for Charter Review Committee Recommendation to City Council

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

18-0188

Agenda Date: 2/22/2018

SUBJECT

Approve Charter Review Committee Meeting Minutes of February 8, 2018

RECOMMENDATION

Approve Charter Review Committee Meeting Minutes of February 8, 2018 as submitted.



City of Sunnyvale

Meeting Minutes - Draft

Charter Review Committee

Thursday, February 8, 2018

6:00 PM

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

CALL TO ORDER

Chair Stone called the meeting to order at 6 p.m.

ROLL CALL

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

Absent: 1 - Member Jack Walker

Committee Member Hamilton arrived at 6:05 p.m.

ORAL COMMUNICATIONS

Steve Scandalis spoke in appreciation for Larry Stone's letter of January 25 and in support of the decision of the committee at the last meeting to meet as a whole, rather than breaking into subcommittees.

CONSENT CALENDAR

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

MOTION: Committee Member Howe moved and Committee Member Weiss seconded the motion to approve the Charter Review Committee Meeting Minutes of January 25, 2018 as submitted.

The motion carried by the following vote:

Yes: 10 - Chair Stone
Vice Chair Weiss
Member Davis
Member Dietrich
Member Hamilton
Member Hopkins
Member Howe
Member Ketzel
Member Mehlinger
Member Richey

No: 0

Absent: 1 - Member Walker

GENERAL BUSINESS

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

Committee Members Carol Weiss and Dawn Hopkins provided a report of research they conducted among twenty different cities and states, some outside of California, on how they fill unexpected city council vacancies, and described some of the advantages and disadvantages of handling them by either appointment or special election. Committee Members Weiss and Hopkins' recommendations included:

- Support for an appointment process;
- Support for avoiding a stand-alone special election;
- Support for combining the special election with a General or Municipal Election, with the ballot clearly marked Special Election; the appointment should run through the next Statewide or General Municipal Election and certification of results, unless less than a year remains of the original term;
- The only situation allowing for a special election would be by citizens' petition based on a required percentage of registered voters as of a certain date;
- A short timeline is recommended for deciding on an appointee; no more than 60 days in most cases, from official declaration of vacancy to selection of appointee;
- The city clerk would publish in various venues and on various media, a notice of the vacancy and invite applications with general questions to be returned by a certain date;
- City Council would develop a more specific questionnaire to be filled out by the qualified applicants;

- In a public session, City Council would select three to seven qualified applicants;
- City Council would then develop questions to ask each of the applicants in a public forum;
- City Council would vote in public on an appointee.

Committee discussion, questions, comments or requests for information included:

- Discussion of some of the benefits of the appointment process, included: people who could not afford to run for election would be able to apply, leads to more diversity, the cost is less than a special election, appointment would be less onerous for a citizen, it would be faster to fill the vacancy and a partial council would be for less time;
- Support for having a special election when a council doesn't choose any applicants or when the council vote is split evenly;
- Discussion of the initial applicant questionnaire, as compared to the analysis voters make, and more specific questions the council might ask separately;
- Comments regarding some of the sample cities provided in the report, in which there is typically an option for a default to a special election if the council fails to make the appointment;
- Discussion of City of Belmont's recent all-mail ballot election with a cost of \$58,000;
- Suggestion to check to see if there have been changes to the law on all-mail ballot elections;
- Discussion of why it would make a difference if an appointee could not afford the cost of running in an election; comments that a council would want to consider whether an appointee couldn't later win an election due to the cost of running;
- Comments that the appointment process should be more accessible for everybody who has the ability and desire to serve; individuals can draw money from the community as a sign of support from the community;
- Request to have the candidates of the 2016 election testify to the committee about the impact the special election had on their campaigns and their lives;
- Comments that special elections are expensive because of the cost of communicating with the voters, support for publicly funded elections, and comments that the affordability quotient, when available to everybody, shouldn't be an issue in the decision of the type of structure for re-election;
- Comments that the appointment process may not foster diversity when a Council tends to appoint people like themselves;
- Discussion of having the candidates testify to the committee, to get a sense of the burden of the cost and time commitment of the special election process; suggestion to have the people on the committee who have run elections speak to the issues;

- Discussion of the cost savings of switching from odd-year to even-year elections;
- Discussion of the number of votes by Council to make the appointment;
- Comments regarding the cost of elections: the cost is lower for the City in even-numbered years, but the cost is higher for the candidates who are competing with many other offices and propositions to get their message out to the voters;
- Comments regarding the cost of democracy and the limits on campaign contributions;
- Comments regarding diversity of the voters as compared to the makeup of the City Council;
- Discussion of the issues of other cities changing to district elections;
- Comments regarding diversity and chaos when officeholders represent more than their districts;
- Comments in support of a representative democracy and disagreement with earlier comments regarding chaos when representation is diverse;
- Comments in support of the value of an appointment encouraging and fostering diversity; it would open doors and provide women and people of color opportunities for public speaking, meeting people, and finding mentors and sponsors;
- Comments regarding the availability of campaign contribution statements;
- Comments by committee members on their experiences of running for election, how a candidate runs, the time and energy they spend running, who they choose to run against, how mailed materials are targeted, campaign contribution limits, and communication through media and social media;
- Comments regarding the parameters for looking at some hybrid models.

Committee Member Mehlinger provided a presentation of a web application that shows a map of dates that would force a special election in contrast to dates an election could be consolidated with a Statewide election, based on the current 180-day window. Mehlinger concluded that the best solution would be a hybrid approach as discussed at the last meeting, with the option for Council to fill a seat by appointment or by special election at its discretion, and a 60-day window for making the appointment as an option to consider.

Committee discussion and comments included:

- Comments on having a time frame for calling a special election, determining whether it would be at the Council's discretion to leave the vacancy and possibly have a three-three split, or having some kind of force to trigger a special election;
- Discussion of whether to handle a vacancy different during odd-numbered years;
- Discussion of example cities as presented in the report as to how they chose the dividing line;

- Discussion of the 60-day window from the declaration of the vacancy to make an appointment or call a special election;
- Comments that from the viewpoint of the voter, there is also an extra burden of having a special election, and should be avoided;
- Comments in support of setting the time based on the amount of the unexpired term left for differentiating whether a special election should be held or the vacancy should be filled by appointment; the cost of a special election is much more justifiable if there is a two-year unexpired term left;
- Comments that City Council should be given an opportunity to be able to work with whatever they need to do before the clock starts ticking on a resignation;
- Comments that there would need to be rules that aren't manipulative based on the political composition of the people left on the Council;
- Support for an appointment process with a window during which the appointment must be made, and if no appointment is made, a special election is automatically triggered;
- Discussion of the appointment procedure; recommendation that it shouldn't be written into the charter;
- Comment that with the General Law cities the dividing line is two years, and 114 days before the election; if filled before that, the seat should go to the next General Election as a special election that gets consolidated with the next General Election; if filled after that, the seat is filled for the rest of the term;
- Comment that an election to fill a two-year term would be an added and unnecessary expense;
- Comment that an appointed person should serve for a shorter time and would have to stand for election at the next General Election to serve the remainder of the unexpired term;
- Comment that having five people [seats] running in a General Election would result in a lot of institutional knowledge potentially in turnover;
- Discussion regarding the importance of having a process or policy in place for making appointments;
- Information request to describe the difference between an ordinance and a policy;
- Suggestion that if the recommendation is that if less than half of the term remains, the appointment would stand for that period, rather than a special election; suggestion to decide what a reasonable time is, if less than two years remain, or if less than one year remains, the appointment will stand for the remainder of that term; that would do away with the really short periods of time;
- Comment that over 180 days or six months is a long time to be without a full council; if it is closer to a General Election, it should just be part of the General Election; if it is not close enough to the General Election, give the Council flexibility

to do what they want.

A point of personal privilege was raised to ask for a 5-minute recess.

Committee recessed at 7:30 p.m.

Committee reconvened at 7:38 p.m.

Committee discussion included:

- Comment to look at a 60-day timeframe to make an appointment, and the timeframe should be up to the next General Election;
- Comment that it would be up until a qualified person is elected and installed in the seat;
- Comment that this would be if the vacancy occurs before the filing period for the next General Election; after that, it would go to the following General Election two years out;
- Comment that if in the 60 days, an appointment is not made, then a special election is mandatory, or they can choose to call a special election if they choose not to appoint;
- Comment that the time frame would be 60 days from when the seat is declared vacant; the Council would have to declare the seat vacant within 30 days;
- Comment that it would be the next Statewide or General Election;
- Comment that if the Council decides to have a special election, it is back to the cost.

Public comment opened at 7:43 p.m.

Steve Scandalis expressed concerns regarding discussion of appointments going out to two-and-a-half years and commented on the difficulty of meeting 30-day deadlines for filing a citizen petition to challenge an appointee, the potential for manipulation of the application process, issues with mail-only special elections. Scandalis suggested all 2016 candidates should be asked to testify to the committee, and inquired as to how many votes of the Council would be required to appoint.

Public comment closed at 7:48 p.m.

MOTION: Committee Member Howe moved and Committee Member Hamilton seconded the motion that the committee agrees in general that up to 60 days after the seat is declared vacant, the City Council would be able to either appoint or call

for a General Election during that time frame; at the end of the 60 days, it would be mandatory to go to a special election; the appointment serves to the next General Election; and in general, the committee needs to come up with a maximum number of appointees before a special election is required, whether it is one or two, for discussion at the next meeting.

Committee discussion of the motion included:

- Clarification that if the 60 days falls within the filing period of the General Election, it would go to the General Election;
- Comments and clarification regarding consolidation with June elections, or the March election, depending on whether it is an even-numbered year or an odd-numbered year;
- Acknowledgement that the number of appointees is yet to be decided;
- Suggestion to give consideration of the length of the term and how much time is remaining in the term before it goes to a General Election;
- Agreement with the construct of resignation as day one, 30 days to declare the vacancy, and an additional 60 to 90 days to appoint or designate a special election; but disagreement that the construct should apply if there is a vacancy in the first half of a 4-year term; consideration should be given to prioritizing special elections if there is a vacancy within the first two years of a 4-year term;
- Comments that the motion was that if the vacancy occurred in the first half of a 4-year term, it would go to the next General Election for a split 2-year term; disagreement that this was included in the motion.

Chair Stone offered a clarification to the motion that an appointment would not go by a General Election. Committee Member Howe accepted the clarification of the motion.

Committee continued discussion of the motion included:

- Request for more time to consider the details and to meet in a sub-group to dig in to that framework and bring back clear choices and possible alterations;
- Suggestion to look at the section referring to appointment when a vacancy is caused by involuntary removal or by a death;
- Request for a summary of the construct and the parameters presented in the most logical order for a discussion outline;
- Concerns regarding a provision which might result in five Council seats up for election at one time;
- Question of when the clock starts ticking when a vacancy by various means occurs.

The motion failed by the following vote:

Yes: 5 - Chair Stone
Member Dietrich
Member Howe
Member Ketzel
Member Mehlinger

No: 5 - Vice Chair Weiss
Member Davis
Member Hamilton
Member Hopkins
Member Richey

Absent: 1 - Member Walker

Final comments by committee members included:

- Request for a discussion outline for the next meeting;
- Offer to meet in a subcommittee outside of the regular meeting;
- Request to those who voted no to come back with specific proposals for consideration;
- Suggestion for the next meeting, to have a white board to write the ideas;
- Offer to provide sample language;
- Request for copies of flow charts of the current process and the General Law Cities provision for filling vacancies

ADJOURNMENT

Chair Stone adjourned the meeting at 8:03 p.m.

18-0189

Agenda Date: 2/22/2018

REPORT TO CHARTER REVIEW COMMITTEE

SUBJECT

Discussion of Alternatives to Filling Councilmember Vacancies and Amendments to City Charter Section 604, Including Adding an Appointment Provision, and Direction on Next Steps for Charter Review Committee Recommendation to City Council

REPORT IN BRIEF

This report provides a possible outline for discussion of filling vacancies by appointment and special as requested by the Charter Review Committee (CRC) at the February 8, 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

At the January 25 and February 8, 2018 meetings many CRC members expressed preliminary preferences toward some form of the “hybrid” option. Members seemed to favor the idea that an appointment to get to the next general election would minimize the special election costs, unless you can't get the appointment done.

On February 8, the CRC discussed possible elements and pros/cons of an appointment component of the hybrid option in more detail. The CRC requested that staff provide an outline of key decision points necessary to move forward with a recommendation from the CRC to the City Council on an amendment to Charter section 604 that includes appointment to fill a vacancy.

DISCUSSION

A. Outline of Key Discussion/Decision Points Related to Potential Charter Amendment to Include Appointment Option for Filling Council Vacancies

1. Should the timeframe for a seat to be declared vacant remain at 30 days?

Discussion/issues raised at prior meetings:

- Several members suggested at prior meetings that this time period to declare a vacancy is reasonable

2. What should the timeframe for appointing a new councilmember be after the vacancy is declared?

Discussion/issues raised at prior meetings:

- Sufficient time to allow for a meaningful process (such as applications, interviews,

public discussion, etc). Several members suggested 60 days to complete the appointment process was reasonable

- Details of process for appointment should not be included in charter, but CRC may include a recommendation to council on what that process should be and how it should be documented/codified
 - Current Council Policy adopted publicly for interim council appointments provides for application and interviews
 - Could also be adopted by resolution or ordinance (ordinances require longer periods for adoption)

3. If the Council is unable to appoint a member within the established period, should the council (a) choose whether to hold a special election, (b) wait until the next general municipal election, or (3) should a special election be mandatory?

- A special election could be held on any statewide election date (March, April, November, depending on year).
- General municipal elections occur in November of even numbered years.

4. If the Council does make an appointment, when should an election be required for that seat?

- For helpful visuals of election requirements, Attachment 1 contains flowcharts in of the current Sunnyvale process under Charter section 604 and the process under Government Code section 36512.
- Government Code section 36512, for example, does not require special elections for vacancies that occur in the second half of a term. If a vacancy occurs in the first half of a term, whether to call a special election or wait until the next general municipal election depends on when the vacancy occurs in relation to the next general election.

5. Should there be a limit on the maximum number of appointees?

- Government Code section 36512, for example, limits appointments to less than a majority of the Council. Sunnyvale could limit it to a lower number.

6. Should the City maintain or eliminate the current distinction between voluntary and involuntary vacancies?

Discussion/issues raised at prior meetings:

- Several members expressed that they were unsure whether the reason for a vacancy makes a real difference in determining whether to make an appointment

B. Sample Charter Sections with Appointment Provisions

Attachment 2 includes sample charter provisions that include appointment to provide the CRC examples of ways Charter section 604 might be rewritten to include appointment.

C. Informal Subcommittee Report

Less than a quorum of members worked together since the last meeting to analyze some of these issues and will present their information at the meeting. If materials are provided before the meeting, staff will make them available to members and the public.

D. Next Steps for CRC Recommendation

As the CRC moves toward a recommendation to the City Council, it may take any or all of the

following steps:

- Provide direction to staff on the issues outlined in subsection A above and request that staff prepare draft Charter language based on that direction.
- Determine how the CRC will report its recommendation to the Council. For example, past commissions have had members prepare majority and minority reports explaining recommendations.
- Provide direction to staff on future agendas and timing for the final recommendation, as agenda titles will need to reflect when the group is making its final recommendation to Council.
- Other direction as determined by the CRC.

PUBLIC CONTACT

Public contact was made by posting the 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

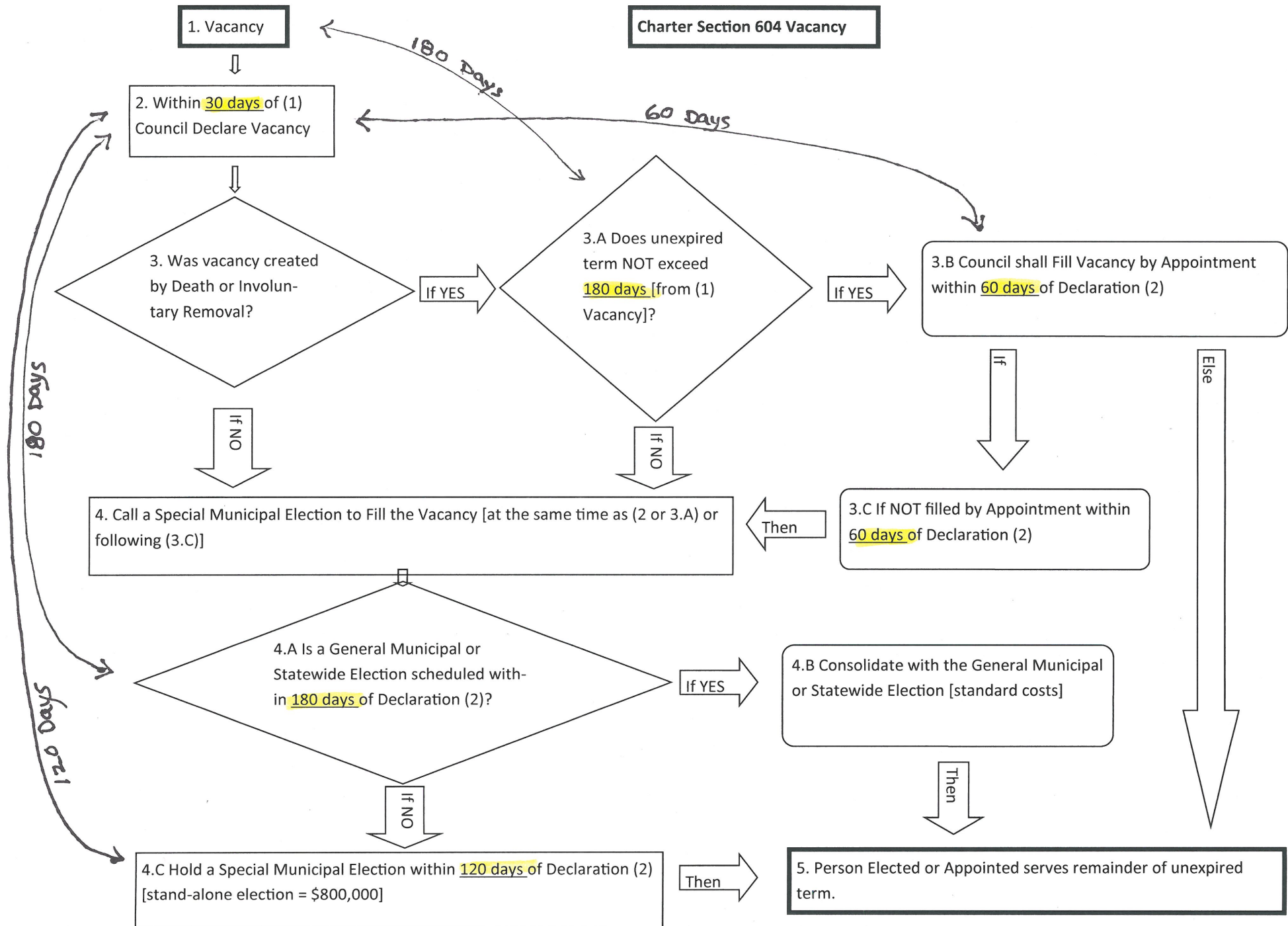
Staff makes no recommendation.

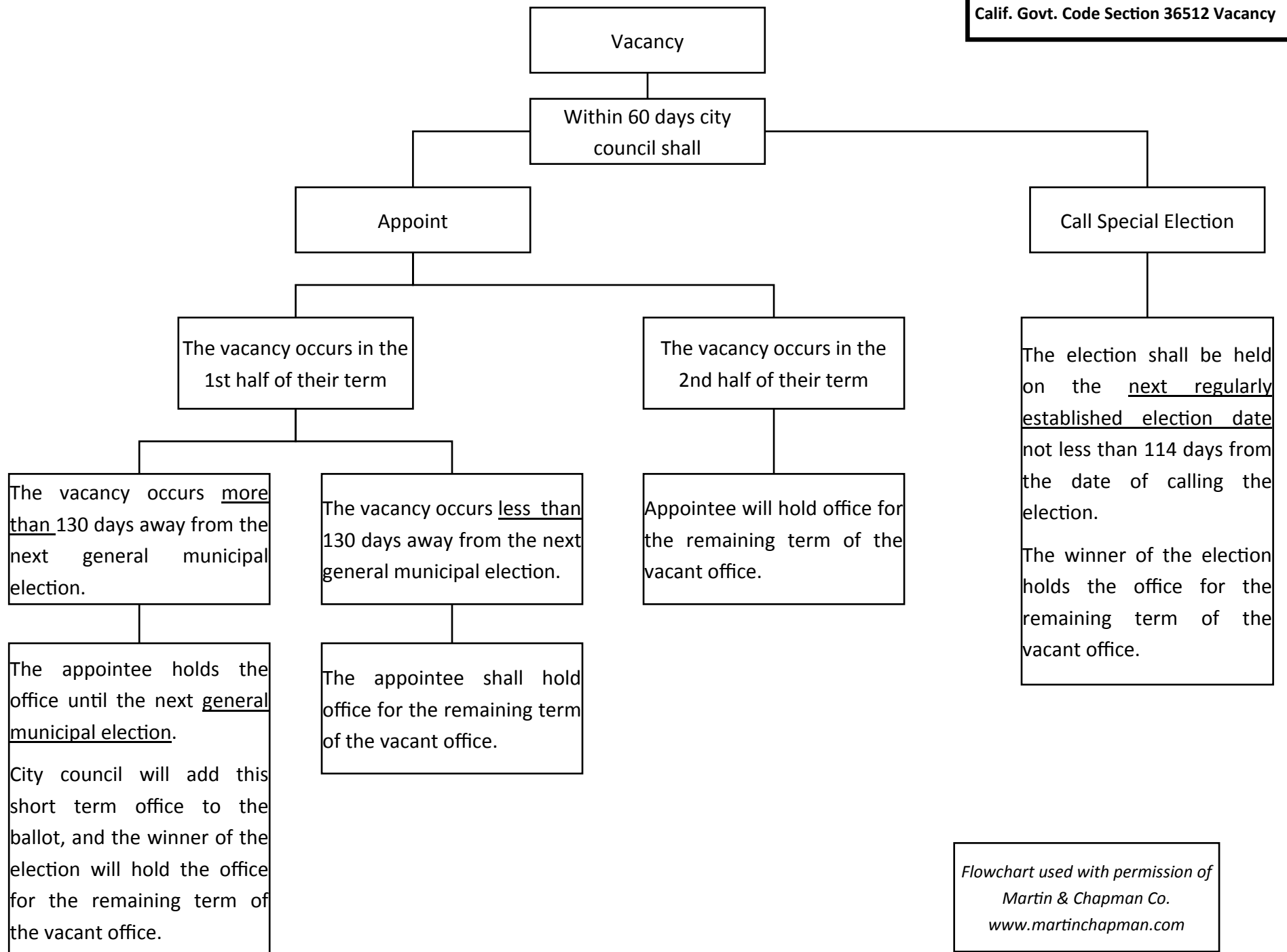
The Committee may wish to provide staff direction on next steps in the CRC recommendation process.

Prepared and Approved by: Melissa C. Tronquet, Assistant City Attorney

ATTACHMENTS

1. Flowcharts: Charter Section 604 and Gov't. Code § 36512 election processes
2. Sample Charter Provisions with Appointment





Samples of City Charters with Appointment Provisions

City of Mountain View Charter, Section 504. - Vacancies.

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

City of Palo Alto Charter, Article 3, Section 10-Vacancy on council.

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

City of Santa Clara Charter, Section 703-Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

City of Gilroy Charter, Article IV, Section 406. Vacancies.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent

from the State without leave for more than sixty (60) consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused there from by said body.

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

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

City of San Jose Charter, Section 410- Filling of Vacancies.

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

(a) APPOINTMENT. If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 1st following the next Regular Municipal Election after the appointment, which ever first occurs.

(b) ELECTION. If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.

(c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

(d) ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.

(e) NO REMAINING MEMBERS. If the offices of all of the Council members and also of the Mayor should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.

(f) ELECTION DATES. All dates for elections to fill vacancies shall be set by resolution.

(g) ELECTION IN 1994. The election held on November 8, 1994 to fill a vacancy effective January 1, 1995 in Council District 7 shall be deemed to be an election pursuant to this Section. The person so elected shall serve for the full term of that office.

Redwood City Charter, Section 9- The Council.

...

Any vacancy occurring in the Council shall be filled by appointment by the remaining council members; but in the event that said remaining council members fail to fill such vacancy by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the City for a period of 90 days, unless by permission of the Council, or ceases to be a resident and elector of the City, such member's office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

...

City of Hayward Charter, Section 501. - VACANCY IN ELECTIVE OFFICE.

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

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until his successor is elected and qualified. At the next General Municipal Election following any such appointment, the person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

City of Santa Cruz Charter, Section 605- COUNCIL VACANCIES.

A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, or by special election called by the Council.

If a vacancy is filled by appointment, the appointee shall hold office until the second regularly scheduled evening meeting following the next municipal election and until a successor is elected and takes the oath of office. At the next general municipal election following any vacancy, a Councilmember shall be elected to serve for the remainder of any unexpired term.

If a vacancy is filled by special election, the person receiving the highest number of votes shall, upon taking the oath of office, serve for the remainder of the unexpired term of the former incumbent and until a successor has been elected and takes the oath of office.

In the event a vacancy has not been filled by appointment or an election called within sixty (60) days after such office shall have been declared vacant, the Council shall forthwith call an election to fill such vacancy.

A City Council office shall become vacant and shall be so declared by the Council if a person elected or appointed to the Council fails to take the oath of office within sixty (60) days after the election or appointment, is absent from all regular meetings of the Council for sixty (60) days unless expressly permitted by the City Council in its official minutes, ceases to be an elector of the City, or is convicted of a crime involving moral turpitude.

City of Santa Rosa Charter, Sec. 31-Council Vacancy.

(a) A Council vacancy may be filled by appointment by the Council or the Council may call a special election to fill the vacancy. If the Council fails to fill a Council vacancy within sixty days after it occurs, the Council shall then call a special election to be held as soon as practicable.

(b) If for any reason the seats of a majority of the Council shall become vacant, the City Clerk shall then call a special election to fill the vacancies for the unexpired terms, such election to be conducted substantially in the manner provided for by the general laws of the state.

(c) An appointee shall hold office until a successor is elected for the unexpired term at the next municipal election or until a successor is elected at a special election held in accordance with this section. Any person elected to the Council pursuant to this section shall serve the balance of the unexpired term.

(d) If any officer of the City shall remove himself or herself from the City or absent himself or herself therefrom for more than thirty days consecutively without the prior permission of the Council or shall fail to qualify or shall resign or be convicted of a felony or adjudged incompetent, his or her office shall thereupon become vacant.

(e) The Council may, by ordinance, provide the detailed procedure for carrying out the provisions of this Section.

City & County of San Francisco Charter Article XIII, Section 13.101.5. VACANCIES.

(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.

(b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors.

(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less than one year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that election to fill the unexpired term.

(d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the offices enumerated in this Section, that process shall apply to any election required by this Section.

City of Berkeley Charter, Article V, Section 12. Vacancy in Office of Mayor or Councilmember.

(1) If a vacancy shall occur in the office of Mayor or Councilmember:

(a) If the unexpired term is less than one year, the remaining members of the Council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the Council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the Council by any Councilmember by placement on the agenda. Should the Council fail to fill any vacancy within 60 days after its occurrence, the Council shall, within 10 days, order a special municipal election, to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days or less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by the Council nor by special election, but at said regularly occurring election.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the Council within ten days after the occurrence of the vacancy and to be held not less than 60 nor more than 90 days after the date of the order; provided, however, if any regular statewide or general municipal election is to be held in the City not more than 180 days nor less than 80 days from the date of the occurrence of the vacancy in the case of a regular statewide election, or not more than 180 days nor less than 60 days from the date of the occurrence of the vacancy in the case of a general municipal election, then the vacancy shall not be filled by special election, but at said regularly occurring election.

(2) If at any municipal election a Mayor or the required number of Councilmembers be not elected by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office. In such case the person so appointed shall hold office, subject to the provisions of the Recall, to and including the April 30th following the next general municipal election.