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To: [Kathleen Franco Simmons](#)
Cc: [Linda Davis](#); [Carol Weiss](#); council@melinda.org
Subject: City of Sunnyvale: CRC Proposal
Date: Thursday, February 22, 2018 9:27:04 AM
Attachments: [Draft Section 604 \(2-19-18\).docx](#)

Hi Kathleen,

In advance of this evening's meeting, our small working group has been reviewing and considering a proposal for Section 604. Attached is our draft working proposal that reflects the work our small working group has done thus far. We would like to share the materials with the larger group and open the proposal for discussion and consideration. This is very much a work in progress and is by no means complete or perfect from our perspective, but I think it will be best to share and receive feedback and input from the larger group before proceeding further.

Additionally, I understand that Member Linda Davis will also be sharing some materials, which she has been creating as an alternative to our small working group proposal.

Thank you and let me know if you have any questions.

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**Small Working Group
Draft Proposal 2-19-18
Section 604. Vacancies.**

1. **Vacancy.** The office of a member of the Council shall become vacant when a member:
 - a. is absent from all regular meetings of the Council for a period of sixty days consecutively from and after the last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes,
 - b. is convicted of a crime involving moral turpitude,
 - c. ceases to be an elector of the City of Sunnyvale,
 - d. ceases to maintain his/her principal place of residence within the city limits during such member's term of office,
 - e. dies,
 - f. is involuntarily removed pursuant to Article II, Section 4 of the Constitution of the State of California, or
 - g. is removed from the Council under any other circumstance specified in this Charter.
2. **Declaring Vacancies.** In the event of any vacancy in the Council, from whatever cause arising, within sixty days of the commencement of any vacancy, the Council shall officially declare the seat vacant.
3. **Filling Vacancies.**
 - a. Within thirty days of declaring a vacancy, the Council shall announce the process for filing the vacancy in accordance with this Section 3 of Section 604.
 - b. If more than two years remain in the unexpired term and the vacancy occurs
 - i. within 70 days of the first day to file as a candidate for the next regular general municipal or statewide election, then Council must hold a Special Municipal Election that is **consolidated with the next regular general municipal or statewide election**, or
 - ii. **[Option 1]** more than 70 days prior to the first day to file as a candidate for the next regular general municipal or statewide election, then Council must hold a **Special Municipal Election** to fill the vacant Council seat.
 - iii. **[Option 2]** more than 70 days prior to the first day to file as a candidate for the next regular general municipal or statewide election, then Council must **appoint a person to serve until the next regular general municipal or statewide election** and, at such time, the Council must hold a Special Municipal Election that is consolidated with the next regular general municipal or statewide election.
 - c. If less than two years remain in the unexpired term when the vacancy occurs, then Council may
 - i. **appoint** a person to serve out the remainder of the unexpired term,
 - ii. leave the seat **vacant until the next general municipal election**, or

Commented [RA1]: Consider whether the Council should be given extra time to declare the process in addition to the time to declare the vacancy.

Commented [RA2]: Consider whether 2 years is the proper point in time to delineate between filling vacancy options. Alternative proposal: first day of the nomination filing period before the mid-term Municipal Election.

iii. **appoint** a person to serve **until the next regular general municipal election**.

4. **Special Municipal Election Timeline.** If a Special Municipal Election occurs in accordance with Section 1.a.ii of this Section 604, such Special Municipal Election must be held within one hundred and twenty days from the date of the Council declares the vacancy to exist, except that no election shall be held on the day before, day of, or date after a state holiday.
5. **Appointments.**
 - a. **Timeline.** If the Council fills the vacancy by appointment, the Council must fill the vacancy within 60 days from the date the vacancy is declared. If the Council fails fill the vacancy by appointment within 60 days from the date the vacancy is declared, then Council must hold a Special Municipal Election to fill the vacant Council seat in accordance with Section 4 of this Section 604.
 - b. **Requirements.** If the Council fills the vacancy by appointment, the Council shall develop an open and transparent process for receiving and reviewing applications, interviewing applicants, and selecting the final appointee.
6. **Term.** Unless otherwise specified in this Section 604, any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until such member's successor is elected and qualified.
7. **Limit on Appointments.** No more than two members may serve terms on the Council to which such members were appointed. If two members of the Council are serving terms to which they were appointed, then the vacancy must be filled by a Special Municipal Election.