

Initiative Measure to be Submitted Directly to the Voters

The City Attorney of the City of Sunnyvale has prepared the following title and summary of the chief purpose and points of the proposed measure:

Title: An Initiative Ordinance Amending the City of Sunnyvale's Municipal Code to Require Voter Approval for any Sale, Lease, Lease Extension, Lease Renewal, Land Swap, or Transfer of Property Owned, Leased, or Used by the City as a Public Park or Community Service Amenity

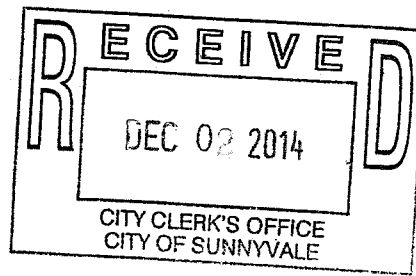
Summary: This initiative states that it shall be known as the “Public Lands for Public Use Act” and proposes to amend the Sunnyvale Municipal Code (SMC) to require voter approval before the sale or lease of some types of City property.

Currently, SMC Chapter 2.07 requires city council approval for all purchases, sales, or leases of real property for the City when the purchase, sales price, or lease cost exceeds \$75,000, and city manager approval when the purchase, sales price, or lease cost is \$75,000 or less, or when the lease results in revenue to the City and is for a period less than or equal to 55 years. It further requires city council approval for leases of City property for a term in excess of 55 years, subject to additional procedures set forth in Chapter 2.07.

The proposed initiative would amend these provisions by:

- Defining two categories of City property: “Community Service Amenity,” which generally includes facilities and land whose primary purpose is to provide the public a place of city government administration, recreation, education, exercise, or enjoyment; and “Public Park,” which generally means land set apart for recreation of the public and to maintain open space in the City, including City-owned land shared by agreement with adjacent public schools to augment the public school’s outdoor recreation area.
- Requiring that any land “owned, leased, or used” by the City as a Public Park or Community Service Amenity (including land otherwise transferred to the City for such purposes, and the rights to use land for such purposes), may not be the subject of a “sale, lease, lease extension, lease renewal, land swap, or transfer,” regardless of the amount of the transaction, without the prior approval of a majority of voters in a citywide election.
- Requiring that leases of Public Park or Community Service Amenity land owned, held or controlled by the City, that are in excess of 55 years, also be subject to voter approval.

The initiative ordinance also proposes to take precedence over all other provisions of the City’s Municipal Code, ordinances, resolutions, and administrative policies that conflict with any part of the initiative.



Save Sunnyvale Parks & Schools, Inc.

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December 01, 2014

Kathleen Franco Simmons
City Clerk
City of Sunnyvale
P.O. Box 3707
Sunnyvale, CA 94088

Notice of Intent to Circulate Petition

Ms. Franco Simmons,

Pursuant to Section 9202(a) of the California Elections Code, notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Sunnyvale for the purpose of obtaining a vote of the Sunnyvale electorate on the proposed measure attached to this notice.

The proponents of this petition request that the ordinance be submitted immediately to a vote of the people at a special election.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

This petition proposes changes to the Sunnyvale Municipal Code to ensure that the public land the City of Sunnyvale holds in trust for all its residents continues to serve the interests of Sunnyvale residents.


Sunnyvale residents benefit from the public libraries, community swimming pools, community centers, public parks, public golf courses, and numerous other community service amenities that are placed on land the City of Sunnyvale owns for the benefit of its residents. These public parks and community service amenities help children, adults, and families alike to socialize, exercise, and learn as a community.

As Sunnyvale's population grows, the demand for public parks and community service amenities will grow with it. There is a critical and increasing need for more, not less, places for residents to conduct city and community business, enjoy open spaces, study, improve their health, play with their grandchildren, watch or participate in sports, hold neighborhood meetings, walk dogs, or meet with friends.

Sunnyvale residents have a vested interest in the outcome of any decision that limits their ability to use these public parks and community service amenities. Therefore, there is a need for the Sunnyvale residents to carefully review and specifically approve significant decisions involving the disposition or use of such community service amenities and public parks. Acquiring new land for public use has become increasingly difficult and expensive. Once public land is lost, it is almost impossible to replace. Furthermore, the City Council and the Sunnyvale residents' views involving the disposition of public lands do not always align.

The clarifications and revisions to the Sunnyvale Municipal Code contained in this proposed measure will ensure that Sunnyvale public lands are not used to facilitate private development or provide a source of funding for capital improvements through any sale, lease, trade, land-swap, or other transfer of community service amenities or public parks without very carefully considered community discussion and voter approval.

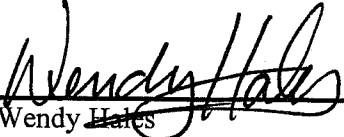
In accordance with Section 9202(b) of the California Elections Code and the City of Sunnyvale's Fee Schedule, a payment of \$200.00 has been attached to this statement.



Timothy Dietrich
1061 Firth Ct.
Sunnyvale, CA 94087

12/1/2014


Date



Wendy Hales
1473 Norman Dr.
Sunnyvale, CA 94087

12/1/2014

Date



Demetrios Triantafyllou
1490 Navarro Dr.
Sunnyvale, CA 94087

Dec. 1, 2014

Date

THE PEOPLE OF THE CITY OF SUNNYVALE DO ORDAIN AS FOLLOWS:

SECTION 1. TITLE

This initiative measure shall be known and cited as the "Public Lands for Public Use Act."

SECTION 2. REQUEST FOR IMMEDIATE VOTE

Proponents request that the ordinance be submitted immediately to a vote of the people at a special election.

SECTION 3. SUNNYVALE MUNICIPAL CODE §§ 2.07.030, 2.07.040. AMENDED.

The Municipal Code of the City of Sunnyvale §§ 2.07.030 and 2.07.040 are hereby amended to read as follows:

2.07.030. Awarding authority for purchases, sales or leases of real property.

- (a) The city council shall be the awarding authority for all purchases, sales or leases of real property for the city where the purchase or sales price or total lease cost exceeds seventy-five thousand dollars.
- (b) The city manager shall be the awarding authority for all purchases, sales or leases of real property for the city where the purchase or sales price or total lease cost is seventy-five thousand dollars or less, or where the lease results in revenue to the city and is for a period less than or equal to fifty-five years.
- (c) Notwithstanding the foregoing in subsections (a) and (b), any land, that on the effective date of this subsection (c) or at any later time is owned, leased, or used by the city as a public park or a community service amenity, as defined in subsection (d), land otherwise transferred to the city to be used as a public park or a community service amenity, or the rights to use such land may not be the subject of a sale, lease, lease extension, lease renewal, land swap, or transfer unless the issue of the sale, lease, lease extension, lease renewal, land swap, or transfer is submitted to the qualified voters of the city at an election and is approved by a majority of the votes received at the election.
- (d) For purposes of subsection (c), the following terms shall have the meanings set forth below.
 - (1) "Community service amenity" means libraries, swimming pools, community centers, performing arts venues, gardens, golf courses, zoos, city hall, city administration buildings, and other similar facilities and the land on which the facilities stand, whose primary

purpose is to provide the public a place of city government administration, recreation, education, exercise, or enjoyment.

- (2) "Public park" means land set apart for the recreation of the public, to promote its health and enjoyment, to maintain open space in the city and also includes city-owned public land which may be shared by agreement with adjacent public schools to augment the public school's outdoors recreation area.

2.07.040. Long-term lease of city property.

- (a) The city council may enter into a lease of city property that is not a public park or a community service amenity, as defined in Section 2.07.030, subsection (d), for a term in excess of fifty-five years pursuant to the procedures set forth in this section. This section is enacted pursuant to California Government Code Section 37380 for the purpose of establishing alternate procedures thereto and exempting the city from the provisions of subsections (b)(2), (b)(3) and (b)(4) thereof. Except with respect to leases in excess of fifty-five years, the provisions of this section shall not be deemed in any way to restrict the city's authority to enter into other forms of leases so long as the underlying land is not a public park or a community service amenity, as defined in Section 2.07.030, subsection (d).
- (b) A lease in excess of fifty-five years of property owned, held or controlled by the city that is not a public park or a community service amenity, as defined in Section 2.07.030, subsection (d), may be authorized by the city council in accordance with the following procedures:
 - (1) Any lease entered into pursuant to this section shall be authorized by resolution of the city council.
 - (2) Prior to adopting a resolution authorizing a lease, the city council shall hold a public hearing. Notice of the time and place of the hearing shall be published once not less than fourteen (14) calendar days prior to the public hearing, in the official newspaper of the city.
 - (3) The city shall not be required to engage in a competitive bid process for the award of such lease; provided, that at the time of adopting the resolution authorizing the lease the city council makes a determination that entering the lease without engaging in a competitive bid process is in the best interests of the city and its residents.
 - (4) Any such lease shall be subject to periodic review by the city and shall take into consideration the then market conditions. Pursuant to California Government Code Section 37380(b)(1), the city council hereby establishes that the lease provisions which will

periodically be reviewed, at a minimum, shall be those provisions specifying the rent to be paid pursuant to the lease, and such other provisions as may be indicated by the city council at the time of authorizing the lease. The periodic reviews shall occur in accordance with a schedule to be contained in the lease. The periodic review may be in the form of either an express review of the terms by the city council or its designee, or in the form of a procedure contained in the lease for automatic adjustments of the terms in response to market conditions. It is the intent of this provision that inclusion of inflationary adjustments, cost of living adjustments, reappraisals or other similar forms of automatic adjustments shall satisfy the requirements of California Government Code Section 37380(b)(1), without the necessity of a discretionary review by a city officer. (Ord. 2628-99 § 2).

- (c) A lease in excess of fifty-five years of property that as of the effective date of this subsection (c) or at any later date is owned, held or controlled by the city and is a public park or a community service amenity, as defined in Section 2.07.030, subsection (d), must first be submitted to the qualified voters of the City of Sunnyvale at an election and approved by a majority of the votes received at the election pursuant to Section 2.07.030, subsection (c). Any such lease that is so approved may be authorized by the city council in accordance with the procedures set forth in subsection (b).

SECTION 4. PRIORITY.

Once this measure becomes effective, its provisions shall prevail over and supersede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Sunnyvale which conflict with any provisions of this measure.

SECTION 5. SEVERABILITY.

In the event a final judgment of a court of competent jurisdiction determines that any section, subsection, sentence, clause, or phrase of this initiative measure is invalid or unenforceable for any reason, the invalid or unenforceable section, subsection, sentence, clause, or phrase shall be severed from the remainder of this measure, and the remaining portions of this measure shall remain in full force and effect without the invalid or unenforceable section, subsection, sentence, clause, or phrase.