

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. SERVICES OF REGISTRAR. Pursuant to California Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of the Special Municipal Election to be held on Tuesday, August 16, 2016. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections, including those certain services set forth herein. Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters to aid in the conduct of the election. Further, the City Director of Finance is authorized and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

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

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

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

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

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

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

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

10. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to submit a certified copy of this Resolution to the Board of Supervisors, to the Registrar of Voters, and to the County Clerk of the County of Santa Clara.

11. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15378(b)(5), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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