



City of Sunnyvale

Agenda Item

17-0104
Agenda Date: 2/17/2017

2017 COUNCIL STUDY ISSUE

NUMBER

OCM 17-02

TITLE Evaluate Proposing a Charter Amendment to Revise Section 604 regarding Filling Vacant Council Seats by Special Election

BACKGROUND

Lead Department: Office of the City Manager

Support Department(s): Office of the City Attorney, Finance

Sponsor(s):

Councilmembers: Klein, Griffith, Melton, Larsson, Goldman, Smith, Hendricks

History:

1 year ago: N/A

2 years ago: N/A

SCOPE OF THE STUDY

What are the key elements of the study?

Sunnyvale City Charter Section 604 provides requirements for filling a vacancy in the City Council. When an unscheduled vacancy occurs on Council, the vacancy must be filled by holding a special election. When the special election cannot be consolidated with a general municipal election, the City must conduct a “stand-alone” or special election at significant cost. Under only very limited circumstances, the Council may fill an unexpired term by a City Council appointment.

During the Council discussion regarding sponsorship of the Study Issue, Council discussed whether the Charter amendment process would include the formation of Charter Review Committee made up of Sunnyvale residents as is the traditional practice in the City.

This study will provide details about the three methods by which a charter amendment may be proposed (by the Council on its own motion, by initiative petition, and by elected or appointed charter commission) and whether the Council wishes to form a charter review committee to advise the Council on amendments to the Charter. The study would provide an evaluation of the current requirements of the charter regarding the filling of a Council vacancy and the shortcomings of the limited options as written that can result in costly special elections. The study will explore several possible solutions for revising language in Charter Section 604, to provide less costly options for filling vacancies. The study will present information that will inform Council to provide direction on how to proceed with proposing a charter amendment and will include an assessment of the cost of implementation of the results.

Though not discussed by Council, staff wishes to advise Council to consider expanding the scope of this Study Issue to include a technical amendment to Charter Section 606 regarding the designation of a Vice Mayor to bring this Charter section into conformity with the change in general municipal elections from odd-numbered years to even-numbered years. Presently, Charter Section 606 reads:

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and the first regular meeting in January in odd-numbered years, 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 or disability. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995 and November 28, 2007: previously Section 705)

The Charter section would be redrafted to change “in January in odd-numbered years” to read “in January in even-numbered years.” This would retain the original intent of the Charter to provide for a one-year term for Vice Mayor rather than the unintended change of the meaning of this text to provide that the designation of a Vice Mayor occurs only in odd-numbered years.

What precipitated this study?

On April 4, 2016, a member of the City Council resigned his seat prior to the end of his term. Due to the provisions of Charter Section 604, and the particular timing of this resignation, there was no other option for the Council than to call a special election to fill the vacancy for the remaining partial term of three-and-a-half months. The special election had to take place as a “stand-alone” election on August 16, 2016 when no other elections were to be held; therefore, the City of Sunnyvale was responsible for the full cost of the election. Aside from internal administrative costs, the special election cost the City approximately \$800,000. A regular, general municipal election would typically cost in the range of \$300,000 to \$400,000.

Planned Completion Year: June 2018

FISCAL IMPACT

Cost to Conduct Study

Level of staff effort required (opportunity cost): Minor

Amount of funding above current budget required: \$0

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Potential costs of implementing study may include costs of forming a Charter Review Committee, conducting public meetings, advertising, outreach, and election costs for a ballot measure.

EXPECTED PARTICIPATION IN THE PROCESS

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

STAFF RECOMMENDATION

Position: Support

Explanation: Staff recommends pursuing a proposal for a charter amendment to Charter Section 604 to clarify language and/or provide alternatives for filling a vacant City Council Seat and expand the scope of the Study Issue to include an amendment to Charter Section 606 regarding the designation of a Vice Mayor to bring this Charter section into conformity with the change in general municipal elections from odd-numbered years to even-numbered years.

Prepared By: Kathleen Franco Simmons, City Clerk

Reviewed By: John A. Nagel, City Attorney

Reviewed By: Walter C. Rossmann, Assistant City Manager

Approved By: Deanna J. Santana, City Manager