

# ATTACHMENT 3

SAMPLE BALLOT

BALOTA DE MUESTRA

and VOTER  
INFORMATION  
PAMPHLET

y PANFLETO DE  
INFORMACION PARA  
LOS VOTANTES

CITY OF SUNNYVALE  
SPECIAL MUNICIPAL ELECTION  
TUESDAY, NOVEMBER 4, 1975.

CIUDAD DE SUNNYVALE  
ELECCTON MUNICIPAL ESPECIAL  
Martes, 4 de noviembre de 1975

FULL TEXT OF PROPOSED AMENDMENTS  
TO THE CHARTER OF THE CITY OF  
SUNNYVALE, CALIFORNIA  
PROPOSITIONS A AND D  
TOGETHER WITH  
ARGUMENTS CONCERNING  
PROPOSITIONS B AND C

SPECIAL MUNICIPAL ELECTION  
NOVEMBER 4, 1975

ARGUMENTS IN SUPPORT OR OPPOSITION OF THE  
PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS

TEXTO COMPLETO DE LAS ENMIENDAS PROPUESTAS EN  
LA CARTA CONSTITUCIONAL DE LA CIUDAD DE  
SUNNYVALE, CALIFORNIA  
PROPOSICIONES A y D  
JUNTO CON ARGUMENTOS REFERENTES A LAS  
PROPOSICIONES B y C  
ELECCION MUNICIPAL ESPECIAL  
4 de noviembre de 1975

LOS ARGUMENTS EN FAVOR O EN CONTRA DE LAS  
LEYES PROPUESTAS SON LAS OPINIONES DE LOS AUTORES.

APPLICATION FOR ABSENT VOTER BALLOT IS ON BACK COVER

LA SOLICITUD PARA LA BALOTA DE LOS VOTANTES  
AUSENTES ESTA AL FINAL.

## CITY OF SUNNYVALE APPLICATION FOR ABSENT VOTER'S BALLOT for the Special Municipal Election, November 4, 1975

I, \_\_\_\_\_, (Print Name) \_\_\_\_\_, am a registered voter at the following address in

Santa Clara County: \_\_\_\_\_ (Number and Street) \_\_\_\_\_ (City) \_\_\_\_\_ (Zip Code)

Complete this section if you have moved and now reside at an address other than that shown on  
your affidavit of registration.

I moved on \_\_\_\_\_ (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) to the following residence address:

(No.) \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

NOTE: If you have moved prior to Oct. 5, 1975 you must reregister before you can obtain an absentee ballot. (A voter moving within this county or to another County within 30 days prior to this election, may obtain an absentee ballot. A voter moving within this county or to another County over 30 days prior to the election and who has not registered prior to the closing date for this election is not eligible to vote.)

- Check one:
- ☐ I reside in a precinct for which no polling place has been established.
  - ☐ I expect to be absent from my election precinct.
  - ☐ Because of physical disability, I will be unable to vote in my election precinct.
  - ☐ I reside within a precinct which is owned or controlled by the United States.
  - ☐ Because of the tenets of my religion, I will be unable to vote in my election precinct.
  - ☐ I reside more than ten miles from my nearest polling place

I am therefore making application for an absentee ballot for the forthcoming election.  
Mail ballot to me at:

(No.) \_\_\_\_\_ (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State)

Dated \_\_\_\_\_, 19\_\_\_\_

(Signature as registered—DO NOT PRINT)

APPLICATION MUST BE RECEIVED IN THE OFFICE OF THE CITY CLERK, P.O. BOX 607, SUNNYVALE,  
CALIFORNIA 94088 NO LATER THAN 5 P.M., TUESDAY, OCTOBER 28, 1975.

MARK CROSSES (+) ON BALLOT  
ONLY WITH RUBBER STAMP  
NEVER WITH PEN OR PENCIL

(ABSENTEE BALLOTS MAY BE MARKED  
WITH PEN AND INK OR PENCIL)

(Fold ballot to this perforated line,  
leaving top margin exposed.)

## OFFICIAL BALLOT SPECIAL MUNICIPAL ELECTION

CITY OF SUNNYVALE  
TUESDAY, NOVEMBER 4, 1975

### INSTRUCTIONS TO VOTERS:

To vote on any measure stamp a cross (+) in the voting square after the word "YES" or after the word "NO."

All marks, except the cross (+) are forbidden.

All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

## SAMPLE BALLOT

### MEASURES SUBMITTED TO VOTE OF VOTERS

"PROPOSITION A. Shall Section 700 and Section 1400 of the Charter be amended so as to make possible the consolidation of the General Municipal Election with the Election for Governing Board Members of Elementary School Districts?"	YES SI	
	NO	
"PROPOSITION B. Do you desire the City Council to add to the tax rate an additional Eight Cents (\$0.08) per One Hundred Dollars (\$100) of assessed value of taxable property in the City of Sunnyvale, to be effective in said City commencing with taxable year 1976-1977 and continuing through taxable year 1980-1981 for the purpose of acquiring, improving and maintaining open space lands within the City of Sunnyvale?"	YES SI	
	NO	
"PROPOSITION C. Do you desire the Council to add to the tax rate an additional Eleven and three-tenths Cents (\$0.113) per One Hundred Dollars (\$100) of assessed value of taxable property in the City of Sunnyvale, to be effective in said City commencing with taxable year 1976-1977 and continuing through taxable year 1982-1983 for the purpose of establishing and operating an emergency medical treatment system in the City of Sunnyvale?"	YES SI	
	NO	
"PROPOSITION D. Shall the Sunnyvale Charter be amended in the following ways: to limit Councilmembers to two successive elective four-year terms in addition to a period of up to two years that may be served in filling a vacancy; to require vacancies on the Council to be filled by election, except that the Council could fill a vacancy created by death where the unexpired term is six months or less; to specify conditions under which vacancies on the City Council shall occur; to require newspaper publication of agenda items and minutes, or a digest thereof, of the regular and special meetings of the Council; to limit members of boards and commissions to one four-year term in addition to a period of up to two years that may be served in filling a vacancy; to provide for the consolidation of the General Municipal Election with school district elections; and to require all references to gender to appear in both the masculine and feminine form?"	YES SI	
	NO	



**PROPOSITION "A"**  
**ANALYSIS BY CITY ATTORNEY**

Proposition "A" deals with consolidation of elections. This analysis contemplates that the reader will have consulted the text of the proposed change in the voter pamphlet.

*Existing:* Under the Charter as it exists, the General Municipal Election for the filling of Council seats is set specifically as the "second Tuesday in April in each odd numbered year" (Section 1400), and the terms of council members begin and end following such elections on a specific day, namely, "the third Tuesday of April" (Section 700). School District elections presently are held on the first Tuesday after the first Monday in March in odd numbered years, a date which is subject to change from time to time by the Legislature. The existing Charter does not prevent consolidation of elections upon agreement of the City and School District governing bodies, although such consolidation has not occurred in the past.

*Proposed:* The proposed amendments would establish the date for holding the General Municipal Election as that date established under State law for holding the election for governing board members of elementary school districts, and would provide that the terms of councilmembers begin and end on the Tuesday following such election.

The proposed amendments would permit consolidation of City and School District elections upon the consent of the governing bodies of the City and the School Districts as required under State law. Where consolidation occurs, savings in election costs would be realized.

*Sections Amended:* 700 and 1400.

A "YES" vote on Proposition "A" will amend the Charter in the ways described above. A "NO" vote will retain the existing language of the Charter.

JAMES A. HILDEBRAND  
City Attorney

**BALLOT MEASURE A**  
**BALLOT ARGUMENT**  
**IN SUPPORT OF CONSOLIDATION OF ELECTIONS**

Consolidating municipal elections with school elections will *CUT COSTS* of local government. The same election officials and polling places can be used for all elections.

By cutting down on the number of elections, the voter is better served. Fewer elections will be more convenient to voters and allow greater emphasis on issues.

Better representation on all issues will be achieved because a greater number of voters will turn out when elections are combined. A better turnout serves the public well and gives stronger direction to the processes of government.

**VOTE YES ON MEASURE A TO CONSOLIDATE ELECTIONS TO IMPROVE REPRESENTATION, SAVE MONEY AND TIME FOR THE VOTER.**

The undersigned author of the primary argument in favor of ballot proposition A at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Donald S. Logan  
SUA1

**CON ARGUMENT TO PROPOSITION "A"**

In the words of Sunnyvale's City Attorney, addressed to the Council in July 1975, Proposition "A" would provide the following:

"The wording of proposed Section 700 would permit future Councils to consolidate the General Municipal Election with school district elections, but would not require them to consolidate. The two elections would only be required to be held on the same date. In a consolidated election, two or more entities conduct their elections not only on the same date, but also use the same ballots, precincts, polling places and election officers. Actual consolidation of elections, as opposed to merely holding them on the same date, would require consent of the City Council and of the governing board of each school district affected."

True and mandatory consolidation of elections, as provided for in Proposition "D", would save the taxpayers of both the City and the affected school districts thousands of dollars every two years.

The magnitude of this savings to the taxpayers of Sunnyvale was recently computed by the Registrar of Voters of Santa Clara County. After indicating his figures can only be approximations on the basis of present registration, he stated that the overall savings to the City of Sunnyvale would be between 66 and 73 per cent.

Since Proposition "A" *does not* provide for true consolidation of elections as defined in Section 23300 and following of the Elections Code, the tremendous money savings to taxpayers which are possible are left to the whim of future Councils.

Aside from monetary considerations, true consolidation would encourage greater voter participation, while merely holding the election on the same date could discourage voters, since they could be required to go to two separate polling places on the same day. Ballots, polling places and officers could be duplicated.

We urge NO on Proposition "A".

The undersigned authors of the primary argument in favor of ballot proposition A at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

/s/ Gregory K. Morris  
Council Member

Dated: September 15, 1975

/s/Lawrence E. Stone  
Council Member

**BALLOT MEASURE B**  
**BALLOT ARGUMENT IN SUPPORT OF OPEN SPACE MEASURE**

Passage of Measure B will enable the City to acquire undeveloped properties in order to preserve open space. Much of what open space is left, if not acquired, soon will be developed into high-density residential structures.

Vote "YES" on Measure B because at the current rate of development of residential land, all open space will be gone within two to three years.

Vote "YES" on Measure B to preserve the remaining orchard lands in Sunnyvale. The orchards made this area famous and are part of the history and tradition of Sunnyvale.

Vote "YES" on Measure B to save open space in the City for all citizens.

SUA2

Vote "YES" on Measure B to reduce population density and improve the overall quality of living in Sunnyvale.

Your City Council proposed Measure B to reflect citizen concern for open space and lower population density. The only practical way to save open space now is to purchase it.

The cost is small for value received. For example: On a private home valued at \$40,000 the cost would be \$8 per year.

The undersigned author of the primary argument in favor of ballot proposition B at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Lawrence E. Stone

## **NO ARGUMENT AGAINST MEASURE B WAS SUBMITTED**

### **BALLOT MEASURE C BALLOT ARGUMENT**

#### **IN SUPPORT OF EMERGENCY MEDICAL SERVICES SYSTEM**

An Emergency Medical System includes the detection of medical emergencies, prompt arrival of trained medical technicians on the scene, stabilization of the patient's condition, and rendering advanced medical treatment enroute to the receiving medical facility. Such a system includes advanced and continual training for emergency medical personnel.

All cities have a responsibility for protecting the health and well-being of their citizens; yet it has been estimated that 60,000 die needlessly each year who could have been saved by prompt and effective care from an Emergency Medical Services system.

Statistics show that for the average city the size of Sunnyvale, approximately 500 heart attacks will occur in a year: of these, 293 will result in death and 41% will survive. This measure would lower the mortality rate among persons suffering heart attacks and serious injuries.

Financial impact: cost on a \$40,000 house would be \$11.30 per year.

The undersigned author of the primary argument in favor of ballot proposition C at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby states that such argument is true and correct to the best of his knowledge and belief.

Dated: September 15, 1975

/s/ Charley C. Allen

## **NO ARGUMENT AGAINST MEASURE C WAS SUBMITTED**

### **PROPOSITION "D" ANALYSIS BY CITY ATTORNEY**

Proposition "D" would effect seven changes in the Charter. Each change is described below under its respective heading, along with the existing Charter provision on the same subject. This analysis contemplates that the reader will have consulted the text of the proposed changes in the voter pamphlet.

SUB1

## **COUNCILMEMBER TERMS.**

Existing: No limit.

Proposed: Councilmembers limited to two successive elective four-year terms in addition to a period of up to two years that may be served in filling a vacancy.

Section Amended: 700.

## **FILLING COUNCIL VACANCIES.**

Existing: Vacancies filled by appointment by the Council within 30 days; thereafter by election.

Proposed: By special election, except that the Council could fill vacancies created by death where the unexpired term is six months or less. Cost of such elections would vary.

Section Amended: 703.

## **HOW COUNCIL VACANCIES OCCUR.**

Existing: General law determines.

Proposed: Would be specified in Section 703 of the Charter as in addition to any other cause: unexcused absences from regular Council meetings over a sixty day period; conviction of a crime involving moral turpitude; ceasing to be an elector in the City of Sunnyvale.

## **PUBLICATION OF AGENDAS AND COUNCIL ACTIONS.**

Existing: No requirement.

Proposed: City Clerk to publish in a City newspaper of general circulation significant items listed on the agenda for regular or special Council meetings, the minutes of such meetings or extracts therefrom, and to place two packets of supporting materials for such agendas in the library. Cost to City would vary depending on agenda size.

Section Amended: 712.

## **BOARD AND COMMISSION MEMBER TERMS.**

Existing: No limit.

Proposed: Board and commission members limited to one four year term plus up to two years that may have been served in filling a prior vacancy.

Section Amended: 1002.

## **CONSOLIDATION OF ELECTIONS.**

Existing: Section 1400 specifies a given date in April of odd numbered years for City elections. State law currently specifies a date in March for School District elections.

Proposed: Would require consolidation of City and School District elections on the date in odd numbered years in which School District elections are held, provided the governing boards of School Districts with which the election is to be consolidated consent. Under State law, consolidation cannot occur without such consent. A specific date in March of odd numbered years would be preserved for City elections should School District elections be held in even numbered years. Where consolidation occurs, savings in election costs would be realized.

Sections Amended: 700 and 1400.

## **GENDER.**

Existing: Section 1800(c) states that masculine gender includes feminine and

SUC1



neuter. The masculine gender is utilized when referring to persons.

Proposed: Substitutes "he/she", "him/her" designations wherever the masculine gender now appears. Any reference to "man" as a suffix indicative of gender would be replaced by either "member" or "person."

Section Amended: Any section where reference to gender now occurs.

A "YES" vote on Proposition "D" will amend the Charter in each of the ways described above.

A "NO" vote will retain the existing language of the Charter.

JAMES A. HILDEBRAND  
City Attorney

### BALLOT MEASURE D PRO ARGUMENT TO PROPOSITION "D"

The disadvantages of long-term incumbency are clear. Entrenchment of views can deprive our city of fresh, innovative ideas. Service together over a long period can result in bloc voting and rigid control over city business. Long-term incumbents tend to lose touch with the citizens they represent; become less receptive to the true and changing needs and desires of the community.

As of April 1975, four of the seven Council Members were originally appointed to the City Council. Elected, rather than appointed, Council Members are more responsive to the electorate. Filling vacancies by election, instead of appointment, will return the selection of Council Members to the people, where it properly belongs.

Open and accountable government requires participation by as many citizens as possible. Limiting terms on Boards and Commissions to one, four-year term will allow many more citizens to serve, and encourage active, independent citizen involvement in the affairs of our city.

Similar to the policy followed by neighboring cities, publication of the agenda prior to each meeting will provide citizens with vital information before consideration and action by the City Council. Publication of the actions taken and votes recorded will foster an informed and alert electorate.

True consolidation of Municipal and School District elections is *only* provided for in Proposition "D". Proposition "A", the so-called consolidation measure, merely permits, but *does not require*, election consolidation. The decision to consolidate is retained by the City Council, not by the people. Proposition "D" is the only measure that will assure substantial savings to the taxpayer in election costs by requiring the consolidation of Municipal and School District elections.

Requiring that all reference to gender be both masculine and feminine, merely brings our Charter into conformity with State and Federal documents.

The undersigned authors of the primary argument opposed to ballot proposition D at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby state that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

Louis J. Cava

Dated: September 15, 1975

Joanne Peltier

Dated: September 15, 1975

Joseph Durante

Dated: September 15, 1975

Gregory K. Morris

Council Member

Dated: September 15, 1975

Lawrence E. Stone

Council Member

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### BALLOT MEASURE D SIX REASONS TO VOTE NO ON INITIATIVE PETITION CHARTER AMENDMENT D

1. The proposed Charter amendments could add up to \$22,000 a year to pay for printing agenda summaries and Council minutes in a type size nobody will bother to read. This proposal will not provide any information to you in a form which you can use but will benefit only the newspaper selected to print it.
2. Limiting the terms of Councilmen will take away the right of voters to decide whether or not to re-elect incumbents. Requiring special elections to fill Council vacancies will cost taxpayers \$25,000 each election at a time when soaring inflation calls for trimming city expenditures. More than 400 California General Law Cities fill their Council vacancies by appointment. Why does Sunnyvale have to be different?
3. Limiting the terms of members of City boards and commissions will deprive the taxpayers of their investment in training these persons and will deprive the City of the benefit of their experience.
4. It costs money to train both Councilmen and Board and Commission members. Ineffective Councilmen can be denied re-election by the voters, and ineffective Board and Commission members can be denied re-appointment.
5. You are being asked to buy all seven of the proposed Charter amendments. You do not have an opportunity to approve or disapprove any of them on an individual basis.
6. Charter revision should wait for the report of the Charter Revision Committee recently appointed from a cross-section of City voters, to study the entire Charter.

The undersigned authors of the primary argument opposed to ballot proposition D at the special municipal election for the City of Sunnyvale to be held on November 4, 1975 hereby state that such argument is true and correct to the best of their knowledge and belief.

Dated: September 15, 1975

/s/ Donald E. Koreski

Mayor of Sunnyvale

Dated: September 15, 1975

/s/ Donald S. Logan

Mayor Pro Tempore

Dated: September 15, 1975

/s/ Etta S. Albert

Councilmember

Dated: September 15, 1975

/s/ Charley C. Allen

Councilmember

Dated: September 15, 1975

/s/ Gilbert R. Gunn

Councilmember

### FULL TEXT OF PROPOSED CHARTER AMENDMENT—PROPOSITION A SECTIONS 700 AND 1400 OF THE SUNNYVALE CHARTER SHOWING CHANGES THERETO IF PROPOSITION A CARRIES AT THE NOVEMBER 4, 1975 SPECIAL MUNICIPAL ELECTION. Lineouts indicate deletions, and underlining indicates new wording.

Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four (4) years from and after the ~~third Tuesday of April next following his election, and until his successor is~~

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is elected and qualified. Tuesday next following the member's election, and until a successor is elected and qualified. The term of each Councilmember in office at the adoption of this amendment, or at the time of any change in the date for the election of governing board members of elementary school districts, shall be increased or decreased to the extent necessary to allow the General Municipal Election at which the seat occupied by such Councilmember is to be filled, to be held concurrently with such school district election.

The office of each member of the Council is a separate elective office to be separately filled at any election.

No person shall be a candidate for more than one elective office.

No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that particular office.

Prior to the General Municipal Election in 1969, the City Council by resolution duly adopted shall designate each Council seat as a separate elective office in the following language: "Councilman, Seat No. \_\_\_\_\_" and by assigning a number from 1 to 7, respectively, to each seat. The designation given to each elective office thereafter shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to each such office, and to designate incumbency of each such office.

The first election at which members of the Council shall be elected pursuant to this section shall be the General Municipal Election held in the year 1969. At such election persons shall be elected to fill the seats of the three members of the Council whose terms expire on the third Tuesday of April, 1969. At the General Municipal Election held in 1971, persons shall be elected to fill the seats of the four members of the Council whose terms expire on the third Tuesday of April, 1971. Thereafter, at each General Municipal Election successors shall be elected to fill the seats of the members of the Council whose terms expire on the third Tuesday of April in the year of such election.

Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number \_\_\_\_\_". The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.

Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in the year 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in the year 1979 and every fourth year thereafter.

Section 1400. General Municipal Elections. General Municipal Elections for the filling of elective offices shall be held in the said City on the second Tuesday in April in each odd numbered year commencing with the year 1951. There shall be a General Municipal Election to fill elective offices in the odd-numbered years on the date established under general law for the election of governing board members of elementary school districts.

**FULL TEXT OF PROPOSED  
CHARTER AMENDMENT — PROPOSITION D  
SECTIONS 700, 703, 712, 1002, 1400, AND 1800 OF THE SUNNYVALE**

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**CHARTER SHOWING CHANGES THERETO IF PROPOSITION D  
CARRIES AT THE NOVEMBER 4, 1975 SPECIAL MUNICIPAL  
ELECTION. Lineouts indicate deletions, and underlining indicates new  
wording.**

Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of (4) four years from and after the third Tuesday of April next following his election, and until his successor is elected and qualified. Tuesday immediately following the member's election and continuing until a successor is elected and qualified.

For the purpose of giving effect to the change in election dates provided for in Section 1400 of this charter, the term of each member holding office on the effective date of each change in election date shall be reduced or extended to enable a duly elected and qualified successor to take office on the Tuesday immediately following the General Municipal Election held in the year in which the term of the member shall expire.

No person shall be eligible to serve as a member of the Council for more than two (2) successive four-year elective terms. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year elective terms after the expiration of the unexpired term which he/she filled.

The office of each member of the Council is a separate elective office to be separately filled at any election.

Prior to the General Municipal Election in 1969, the City Council by resolution duly adopted shall designate each Council seat as a separate elective office in the following language: "Councilman, Seat No. \_\_\_\_\_" and by assigning a number from 1 to 7, respectively, to each seat. The designation given to each elective office thereafter.

Each Council seat shall be a separate elective office to be designated by a number from 1 through 7 in the following manner: "Councilmember, Seat No. \_\_\_\_\_." Such designation of each seat shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to each such office, and to designate incumbency the incumbent of each such office Seat.

Seats numbered 1, 2 and 3 shall be filled at the General Municipal Election held in the year 1977 and every fourth year thereafter. Seats 4, 5, 6 and 7 shall be filled at the General Municipal Election held in the year 1979 and every fourth year thereafter.

No person shall be a candidate for more than one elective office.

No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that particular office.

The first election at which members of the Council shall be elected pursuant to this section shall be the General Municipal Election held in the year 1969. At such election persons shall be elected to fill the seats of the three members of the Council whose terms expire on the third Tuesday of April, 1969. At the General Municipal Election held in 1971, persons shall be elected to fill the seats of the four members of the Council whose terms expire on the third Tuesday of April, 1971. Thereafter, at each General Municipal

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Election successors shall be elected to fill the seats of the members of the Council whose terms expire on the third Tuesday of April in the year of such election.

Section 703. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council and the person appointed shall hold office for the unexpired term of the former incumbent.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. Except as otherwise provided herein, in the event of a vacancy in the City Council from whatever cause arising, the City Council shall call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death of a member, where the unexpired term of the deceased member does not exceed one hundred and eighty (180) days, the City Council shall, within 60 days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the 60 days period, it shall treat such vacancy in the same manner as one created by a cause other than death.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty (180) days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until his/her successor is elected and qualified.

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty (60) 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; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale.

Section 712. Proceedings. The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of items listed on the agenda prepared for

regular meetings of the City Council which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale. In addition, the City Clerk shall be directed to furnish the City Library with at least two (2) sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication in accordance with the provisions set forth below.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of the minutes of the regular and special meetings of the City Council or of the digest of those actions taken at such meetings which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges.

Such publication shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as herein above described, shall include but not limited to a description of the items of the agenda acted upon in sufficient details to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor shall also be published.

Section 1002. Appointments. Terms. Except as otherwise provided in this Article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

Except as otherwise provided in this Article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. No member of any board or commission shall be eligible to serve for more than one successive four year term nor shall such member be eligible for appointment to the same or to any other board or commission for two years after the expiration of the full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however be eligible to serve one successive four year term upon the expiration of the unexpired term for which such person was appointed.

Unless otherwise provided, The members first appointed to those boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot

shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 1400. General Municipal Elections. General Municipal Elections for the filling of elective offices shall be held in the said City on the Second Tuesday in April in each odd numbered year commencing with the year 1951 consolidated with the election of governing board members of school districts on the first Tuesday following the first Monday of March of each odd-numbered year commencing in 1977 or upon such other date as the California State Legislature might, from time to time, provide for the election of governing board members of school districts; provided, however, that the General Municipal Elections shall nevertheless be held on the First Tuesday following the first Monday of March of each odd-numbered year in the event that the State Legislature should provide for the election of governing board members of school districts to be held in even-numbered years.

Section 1800. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory and "may" is permissive.

(b) "City" is the City of Sunnyvale and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Sunnyvale.

(c) ~~The masculine gender includes the feminine and neuter.~~

(c) All references to gender shall be to both the masculine and feminine gender; such objective may be accomplished through the use of a slash mark between the masculine and feminine pronouns such as "he/she" or "him/her". Any reference in this charter to "man" as a suffix indicative of the masculine gender, shall be stricken out and be replaced by either "member" or "person".

The changes incorporated in paragraph (c), immediately above, shall be reflected throughout this Charter in the next official printing thereof.

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## PROPUESTA "A"

### ANALISIS PRESENTADO POR EL ABOGADO DE LA CIUDAD

La Proposición A trata sobre la consolidación de elecciones. Este análisis considera que el lector deberá consultar el texto del cambio propuesto en el panfleto del votante.

*Existente:* De acuerdo a la Carta Constitucional en existencia, las elecciones municipales generales para llenar los puestos de concejales, son establecidas específicamente para el "Segundo martes de abril de cada año impar" (Sección 1400), y que después de las elecciones los concejales empiezan y terminan su período como miembros del Concejo, en un día especial llamado, "el tercer martes de abril" (Sección 700). Actualmente las elecciones en los distritos escolares son llevadas a cabo el primer martes después del primer lunes de marzo en los años impares, fecha que de vez en cuando puede ser cambiada por la legislatura. La Carta Constitucional en existencia no previene la consolidación de elecciones, a pesar que dicha consolidación no ha ocurrido en el pasado, sobre un acuerdo entre los miembros gubernativos de la ciudad y el distrito escolar.

*Propuesta:* Las enmiendas propuestas establecerán que la fecha para las elecciones generales municipales sea la misma que aquella establecida bajo la ley del Estado para llevar a cabo la elección de los miembros de la Junta de las escuelas primarias del distrito, y proveerá que los concejales empiecen y terminen su período como miembros del Concejo el martes siguiente a las elecciones.

Las enmiendas propuestas permitirán la consolidación de las elecciones de la ciudad y distritos escolares, luego que los miembros gubernativos de la ciudad y de los distritos escolares den su consentimiento de acuerdo con los requisitos de la ley del Estado. La consolidación significará un ahorro en los gastos de elecciones.

*Enmienda para las secciones:* 700 y 1400.

Si vota "SI" en la propuesta "A" la Carta Constitucional será enmendada en la manera descrita anteriormente.

Si vota "NO" la Carta Constitucional permanecerá como está.

Firmado: James A. Hildebrand

Abogado de la ciudad

### BALOTA PARA LA PROPUESTA A ARGUMENTO EN FAVOR DE CONSOLIDAR LAS ELECCIONES

Consolidar las elecciones municipales con las elecciones de las escuelas BAJARA LOS GASTOS del gobierno local. Los mismos oficiales de elecciones y los mismos lugares de votación servirán para todas las elecciones.

Reducir el número de elecciones resulta más cómodo para el votante. Menos elecciones serán más convenientes para los votantes y permitirán dar un mayor énfasis a los problemas.

Habrá mejor representación de todos los problemas a resolver pues al combinar las elecciones más gente votará. Una mayor concurrencia de votantes sirve la voluntad del pueblo y da mejor orientación al gobierno. VOTE SI EN LA PROPUESTA A PARA CONSOLIDAR ELECCIONES, MEJORAR LA REPRESENTACION, AHORRAR DINERO Y TIEMPO PARA EL VOTANTE.

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