



City of Sunnyvale

Meeting Minutes - Draft

Charter Review Committee

Thursday, January 25, 2018

6:00 PM

HR Training Room, 505 W. Olive Avenue,
Suite 202, Sunnyvale, CA 94086

CALL TO ORDER

Vice Chair Carol Weiss called the meeting to order at 6:02 p.m.

ROLL CALL

Present: 10 - Member Linda Davis, Member Hannalore Dietrich, Member Melinda Hamilton, Member Dawn Hopkins, Member John Howe, Member Marc Ketzel, Member Richard Mehlinger, Member Amanda Richey, Member Jack Walker, Vice Chair Carol Weiss

Absent: 1 - Chair Lawrence Stone

Committee Member Mehlinger arrived at 6:55 p.m.

ORAL COMMUNICATIONS

Steve Scandalis spoke in reference to the letter submitted by Larry Stone, and encouraged the committee to understand the reasoning why voters put forward the initiative in 1975 and how the citizens benefit from having elected officials.

Scandalis spoke in support of minimizing appointed officials and stated his interest in finding out more about modifying the process slightly to reduce cost but to also hold true to the voter intent of the 1975 election.

CONSENT CALENDAR

- 1 [18-0018](#) Approve Charter Review Committee Meeting Minutes of January 11, 2018

MOTION: Committee Member Howe moved and Committee Member Hamilton seconded the motion to approve Charter Review Committee Meeting Minutes of January 11, 2018 as submitted.

The motion carried by the following vote:

Yes: 9 - Member Davis
Member Dietrich
Member Hamilton
Member Hopkins
Member Howe
Member Ketzel
Member Richey
Member Walker
Vice Chair Weiss

No: 0

Absent: 2 - Member Mehlinger
Chair Stone

GENERAL BUSINESS

- 2** [18-0093](#) Discussion of Common Alternatives to Filling Councilmember Vacancies and Next Steps for Charter Commission Review and Recommendation to Council Regarding Amendment of Charter Section 604

Assistant City Attorney Melissa Tronquet provided a staff report. Assistant City Manager Teri Silva and City Clerk Kathleen Franco Simmons provided additional information.

Committee discussion of next steps and additional questions or requests for information included:

- Consideration of breaking out into subcommittees to discuss each of the three or four options presented in the report;
- Consideration of subcommittees meeting during a portion of the scheduled meetings, or alternatively, to meet outside of the scheduled meetings;
- Clarification of options in terms of adopting an ordinance or amending the charter;
- Question of whether vote by mail ballots could be used;
- Question of whether costs of elections are increasing;
- Consideration of combining the four options into three: filling vacancies by election, by appointment, or by a hybrid method;
- Consideration of looking at other options “outside the box”, such as appointment of the candidate with the next highest votes;
- Request for information about district elections and how a change to that form would impact how vacancies might be filled;
- Comments regarding the difference in representation with district elections;

- Comments regarding numbered seats;
- Request for information regarding appointment options;
- Request for information regarding the rationale for why there are different methods of filling vacancies depending on whether the vacancy is voluntary or involuntary, and the possible opportunity to simplify;
- Request for information regarding the 1991 charter amendment for filling vacancies by appointment when the vacancy is created by involuntary removal;
- Discussion of why the voter turnout of 1988 was significantly higher than other years;

Public comment opened at 6:48 p.m.

Steve Scandalis expressed comments regarding topics of the next highest vote-getter, the form of election, district elections, at-large elections, the influence of council behavior in why there are two different ways of filling council vacancies, incumbent advantage, and seat-based council seats.

Public comment closed 6:51 p.m.

Committee discussion and consensus included:

- Consideration of subcommittees to divide up and meet in detail on one of the three or four options, or alternatively, each subcommittee to meet on the whole range of all options, then regroup to meet as a whole to present best solutions and strengths;
- Discussion of how long seats can remain vacant and whether consideration should be given to extending the length of time a seat can sit vacant;
- Recommendation to also consider the possibility of not changing the charter;
- Comments regarding the impacts to the citizens and applicants when having an even number of councilmembers results in split votes and no action; support for minimizing the length of time there is a vacancy;
- By consensus, the committee agreed to discuss all options as a committee of the whole, and possibly have subcommittees if necessary to study a specific topic and report back;

Public comment opened at 7:05 p.m.

No speakers.

Public comment closed at 7:05 p.m.

Committee discussion, questions, requests for consideration and comments included:

- Consideration of how variations in term limits may make a difference on the appointment or special election process; support for looking at how other cities handle this;
- Consideration of limiting the number of appointed members similar to General Law cities; support for limiting the number to two to prevent abuse of power while ensuring tax dollars are treated respectfully;
- Questions regarding the city's emergency operations plan succession scheme and time limitations;
- Consideration of a hybrid model of giving council discretion to choose whether to appoint or call a special election; consideration of parameters for this;

Committee comments regarding thoughts on the three options for filling vacancies included:

- Support for a hybrid method, extending the time after a vacancy occurs to give a buffer so it doesn't force a special election, giving council power to make an appointment or holding the election to fill the vacancy with a regular election;
- Support for the hybrid idea, but open to hearing more; not enough information yet;
- Support for a hybrid approach where the council could potentially appoint a maximum of one appointee; more than one would trigger a special election; advocate for not bifurcating how to handle a vacancy by involuntary removal, death, or resignation;
- Support for remaining open to considering a hybrid solution and coming up with the best solution;
- Support for the hybrid approach and the suggestion of limiting appointments to one or possibly two councilmembers; support for simplifying and treating all vacancies the same; comment that a special election with low turnouts is not a democratic solution;
- Suggestion for a framework whereby the committee members would think about the competing values, such as that of voting for one's representatives, and that of fiscal responsibility and efficiency; once the members figure out what they value, consider whether the process the committee will recommend will achieve a result that meets that value; support for a hybrid approach, with constraints being limiting the number of appointments on the council to one or two; suggestion to include a provision to give people the opportunity to submit a petition to contest an appointment and in favor of a special election;
- Support for a hybrid approach, being cautious about the possibility of instances where there might be a death of a councilmember; suggestion to have a transparent appointment process by either charter or ordinance; support for determining how much time to allow for an appointment to be made without a special election;

- Support for a clear appointment policy; support for allowing the council more flexibility in calling for special elections and extending the time so that it could be consolidated with a general election;
- Support for a defined and transparent process for appointment; comment that low voter turnout for special elections isn't a problem that can be solved and it is not a reason to not call a special election;
- Comment that mail ballot elections would enable more people to vote; comments about the change from odd to even year elections;
- Support for a hybrid model allowing for an appointment based on criteria, a transparent process and publication of it, and giving all registered voters a fair chance to apply; support for limiting appointments to one or two members of the council, to serve until the next general election;
- Request for information to staff, to find out if other cities have a policy in place about their appointment process;
- Questions and clarifications regarding an appointment to fill the seat until the next general election, a question of getting out of cadence with the charter-defined election of numbered seats, clarification of June or statewide elections, a question of the lead time to notify the county to call an election
- Suggestion to look at the City of Belmont's appointment process to fill a vacancy caused by the recent death of a councilmember; question of the days and dates elections can be held;
- Question of which seat an appointed councilmember could run for in the next election;
- Request for information on how an appointed incumbent can be listed on the ballot;
- Question of how the costs for a special election are paid;
- Consideration of providing more flexibility in the time that the city council can appoint, or change the timeline between declaring a vacancy and calling a special election;
- Consideration of extending the window of time to consolidate the election with a general election, or play with the number of days to allow consolidating with a general election to lower costs.

Public comment opened at 7:52 p.m.

Steve Scandalis stated democracy isn't free and encouraged the committee to keep costs lower down on the list of priorities. He stated that the savings from switching to even-year elections is far greater than an occasional special election and spoke in support of pursuing a hybrid method, a small timing change and limiting the

number of appointments. Scandalis suggested committee members avoid interjecting opinions about a councilmember who resigned.

Public comment closed at 7:55 p.m.

Final comments by committee members included:

- Request to provide information about the audio recording of this meeting to Chair Larry Stone;
- An offer to set up an app to model the timeline window based on different constraints;
- Interest in one or two members to meet outside of committee meetings.

ADJOURNMENT

Vice Chair Weiss adjourned the meeting at 7:57 p.m.