

# Charter of the City of Sunnyvale

## Article VIII City Manager

### Section 807. Prohibition Against Councilmanic Interference.

Neither the City Council nor any of its members shall order or request directly or indirectly the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. The City Council and its members shall deal with officers and employees in the administrative service under the jurisdiction of the City Manager solely through the City Manager except:

(1) For a specific question from a member of the Council concerning a matter either pending before the Council or which the member intends to present to the Council, and which can be answered by furnishing routine information immediately available from the records of the officer or employee to whom it is directed, and which does not require the officer or employee either to discuss or express any opinion concerning any existing or proposed policy of the Council or the City Manager; or

(2) In connection with an investigation into the affairs of the City or the conduct of any City department or office which the City Council by the affirmative vote of at least four of its members has undertaken.

In order to conduct such an investigation, the Council may do any of the following:

(a) Instruct or grant permission to any one or more of its members to discuss with an officer or employee any matters which the member or members to whom permission is granted or who are so instructed believe to be pertinent or relevant to the subject of the investigation;

(b) Subpoena witnesses;

(c) Administer oaths;

(d) Take testimony; or

(e) Require the production of evidence.

Any City Councilmember violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of wilful misconduct in office and shall be removed from office pursuant to procedures set forth under general law. (Amended effective July 8, 1968, December 31, 1975 and December 21, 1976)