

Sunnyvale Municipal Code

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Article VI The Council

Section 600. Elective Officers of the City.

The elective officers of the City shall consist of a City Council composed of seven members. (Amended effective May 20, 1957 and December 21, 1976)

Section 601. 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 years. The term shall commence at the first regular meeting in January, at which the City Council shall certify the election results, and shall continue until a successor is elected and qualified.

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

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 office.

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

Commencing in 2016, Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 2016, and every fourth year thereafter, and Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 2018, and every fourth year thereafter.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 4, 5, 6 and 7, whose term of office would have expired in January 2016 when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2017.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 1, 2, and 3, whose term of office would have expired in January 2018, when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2019. (Amended effective January 14, 1955, July 8, 1968, December 31, 1975, December 21, 1976, January 17, 1992, November 30, 1995, November 28, 2007 and December 16, 2013: previously Section 700)

Section 602. Qualifications.

No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment.

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.

No person shall be eligible to serve as a member of the Council for more than two successive four-year elective terms. Any person who has served two successive four-year elective terms shall not serve again until at least four years have passed since that person last held office. Any person who fills an unexpired term of not more than two

years in length shall, however, be eligible to serve two successive four-year terms after the expiration of the unexpired term which he/she filled. Any person who serves a four-year elective term and is either not re-elected or does not run for re-election for a second successive term is eligible to serve after two years have passed since that person last held office as a Councilmember but is not eligible to run for a second successive term. Any person may serve as a Councilmember for eight years in any twelve-year period, unless appointed to serve an unexpired term of less than two years in length as provided in this section. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995 and November 28, 2007: previously Section 701)

Section 603. Compensation.

In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, commencing January 1, 2012, each member of the City Council shall receive as salary \$2,088.64 per month, and the Mayor shall receive as salary \$2,784.86 per month.

In order to provide a cost of living adjustment, commencing on January 1, 2013, and annually on January 1 thereafter, the compensation of the Council and Mayor shall increase by a percentage equal to the percentage increase in the preceding October's 12-month rolling average of the Consumer Price Index-Urban(CPI-U), or successor index, for San Francisco-Oakland-San Jose, as determined by the United States Department of Labor, Bureau of Consumers. In no event shall the CPI-U compensation adjustment exceed 5% per year, or result in a compensation decrease. The CPI-U base index year shall be calendar year 2012.

If a member of the City Council does not attend all meetings of the City Council called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum equivalent to twenty percent of the month's salary for each meeting not attended unless he/she is absent on official duty with the consent of or on order of the City Council or is granted an excused absence by the City Council, or unless he/she is on personal leave. A member of the City Council shall be permitted four personal leave days per calendar year. (Amended effective May 20, 1957, January 23, 1967, December 31, 1975, December 21, 1976, March 15, 1985, January 17, 1992 and February 15, 2012: previously Section 702)

Section 604. Vacancies.

(a) In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the Council shall become vacant when a member:

- (1) Resigns or dies;
- (2) Is absent from all regular meetings of the Council for a period of sixty 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;
- (3) Is convicted of a crime involving moral turpitude;
- (4) Ceases to be an elector of the City of Sunnyvale;
- (5) Ceases to maintain his/her principal place of residence within the City limits during such member's term of office; or
- (6) Is involuntarily removed pursuant to Article II of the Constitution of the State of California, as may be amended from time to time.

(b) In the event of a vacancy on the City Council, the Council shall officially declare the seat vacant within thirty days of the commencement of any vacancy.

(c) Within sixty days of the date the seat is officially declared vacant, the City Council shall, by affirmative vote of at least four of the remaining Councilmembers, elect to fill the vacancy by appointment or by calling an election.

(d) If the vacancy is filled by appointment, the appointee shall hold office until the next General Municipal Election or Special Municipal Election consolidated with the next statewide election, whichever occurs sooner, and a successor is elected and qualified. The Councilmember then elected shall serve for the remainder of any unexpired term, and until a successor is elected and qualified.

(e) The City Council shall adopt an ordinance establishing a public process for appointment.

(f) If the City Council elects to fill the vacancy by election or fails to fill the vacancy by appointment, it shall call an election to be held within two hundred and forty days of the date the vacancy is declared.

(g) Notwithstanding any other provision of this section, the City Council shall not make an appointment to fill a vacancy if the appointment would result in more than two of the members currently serving on the Council as appointees, and shall call a Special Municipal Election to be held within one hundred and eighty days from the date the Council declares the vacancy. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982, January 17, 1992 and December 21, 2018: previously Section 703)

Section 605. Presiding Officer. Mayor.

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and at the first regular meeting in January every two years thereafter, the City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. Such selection shall be by motion of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor shall serve in such capacity for a term of two years from and after which the appointment is made, and until a successor is selected; provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.

Notwithstanding the two year term set forth above, in order to facilitate the transition to even year elections, the Councilmember selected to serve as Mayor at the first regular meeting in January 2016 shall serve a one year term rather than a two year term. Commencing with the January 2017 selection, the two year mayoral term will resume in accordance with the paragraph above.

The Mayor may be removed from such office prior to expiration of his/her term by a motion of the City Council adopted by the affirmative votes of at least five members of the City Council. (Amended effective December 31, 1975, December 21, 1976, December 21, 1987, November 30, 1995, November 28, 2007 and December 16, 2013: previously Section 704)

Section 606. Vice Mayor.

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)

Section 607. Powers.

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California. (Amended effective December 21, 1976: previously Section 706)

Section 608. Regular Meetings.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. (Amended effective December 21, 1976: previously Section 707)

Section 609. Special Meetings and Emergency Meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to [Government Code](#) Section 54956. Written notice may be delivered personally or by mail or facsimile or electronic means. The call and notice shall specify the time and place of the meeting if held at other than the location specified in Section 610. A telegraphic, facsimile or electronic communication from a member consenting to the holding of a meeting shall be considered a consent in writing.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the City Council may hold an emergency meeting without complying with the twenty-four-hour notice requirements pursuant to [Government Code](#) Section 54956.5. (Amended effective December 21, 1976 and December 23, 1982: previously Section 708)

Section 610. Place of Meetings.

All meetings shall be convened in the Council Chambers of the City Hall, or at such other location as has been legally noticed, but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public; with the exception of closed sessions as authorized by law. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he/she should fail to act, by four members of the City Council. (Amended effective December 31, 1975, December 21, 1976 and November 28, 2007: previously Section 709)

Section 611. Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. (Amended effective December 21, 1976: previously Section 710)

Section 612. Election and Qualification of Councilmembers.

The City Council shall judge the qualifications of its members as required by Section 602 of the Charter and shall certify all election returns. (Amended effective December 21, 1976 and November 28, 2007: previously Section 711)

Section 613. Proceedings.

The City Council shall establish rules for the conduct of its proceedings and may sanction members or other persons for disorderly or improper conduct at any meeting. 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 Clerk shall cause the publication, in a newspaper widely circulated within the City, or on a City Website accessible through Internet or other appropriate technology, of items listed on the agenda prepared for regular meetings of the City Council which the City Manager shall deem of significance or of interest to the residents of Sunnyvale. Such publication or Internet distribution shall be in accordance with procedures which shall be established by ordinance of the City Council, and shall be designed to provide reasonable public notice in a manner which will permit current information to be disseminated widely within the City. In addition, the City Clerk shall furnish the City Library with at least two 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. Nothing contained in this section shall prevent the City Council from taking action on any item not shown on such agenda, nor shall failure to comply with any provision of this section invalidate any action taken by the City Council.

The City Clerk shall 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 meetings. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication or Internet distribution in accordance with the provisions set forth below.

The City Clerk shall cause the publication or Internet distribution of the minutes of the regular and special meeting of the City Council or of the digest of those actions taken at such meetings which the City Manager 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 or Internet distribution shall be in accordance with the procedures established by ordinance, pursuant to this section, for the publication of the City Council agenda.

Such publication or Internet distribution shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as hereinabove described, shall include, but not be limited to, a description of the items of the agenda acted upon in sufficient detail 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. (Amended effective December 31, 1975, December 21, 1976, December 23, 1982 and November 28, 2007: previously Section 712)

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