

ORDINANCE NO. 3152-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 2.28 (ELECTIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SUNNYVALE MUNICIPAL CODE TO ADD PROVISIONS RELATING TO CITY COUNCIL DISTRICT ELECTIONS, ADOPTING A MAP DESCRIBING DISTRICT BOUNDARIES AND ESTABLISHING DISTRICT ELECTION SEQUENCING

WHEREAS, the City began exploring changing from the City's current at-large with numbered seats system for electing City Council members to a district-based form of elections (RTC No. 18-0776) in the fall of 2018, shortly before receiving a letter from a potential plaintiff alleging the City's current electoral system violates the California Voting Rights Act ("CVRA") because it "dilutes the voting power of Asian American voters;" and

WHEREAS, Council adopted a resolution of intent to change to district-based elections in November 2018 (Resolution No. 907-18) and adopted an amended Resolution of Intent on March 19, 2019 (Resolution No. 931-19) declaring its intent to place a charter amendment measure on the March 2020 ballot to transition to district-based elections; and

WHEREAS, following a robust community outreach effort, on June 18, 2019 (RTC No. 19-0362), the City Council voted 5-2 to direct staff to prepare a ballot measure for the March 3, 2020 election amending the City Charter to change the City's electoral system from seven at-large numbered City Council seats to six district seats and a directly-elected mayor elected by all voters (the "Ballot Measure"), and return at the appropriate time to complete the steps necessary to order an election; and

WHEREAS, the City started a community-driven district mapping process in July 2019 with support from National Demographics Corporation (NDC). NDC provided an online mapping tool using 2010 census, 2012-2016 American Community Survey (ACS), and California Statewide Database data. Residents were given training and access to the online mapping tool to develop proposed six-district maps; and

WHEREAS, members of the public submitted total of 26 viable maps in August 2019. The City published draft maps and the Council held required public hearings pursuant Elections Code section 10100(a)(2) at four meetings held between September 10 and November 12, 2019; and

WHEREAS, the Council received public input and narrowed the preferred district maps to seven at the public hearing on September 10, 2019, then four at the hearing on October 8, 2019. At the hearing on November 5, 2019, the Council selected two maps (107A and 120D) to be considered for review and selection of a final map on November 12, 2019; and

WHEREAS, on November 12, 2019, the City Council voted 6-1 to adopt a resolution

(No. 971-19) submitting the Ballot Measure to the voters at a special municipal election to be consolidated with the statewide presidential primary election held on March 3, 2020; and

WHEREAS, on November 12, 2019, the City Council voted 6-0-1 to approve Map 120D and 7-0 to approve an election sequence providing for November 2020 elections in Districts 2, 4, 6 and the Mayor; and

WHEREAS, the City of Sunnyvale desires to adopt an Ordinance amending certain sections of the Sunnyvale Municipal Code Chapter 2.28 (Elections) to codify the City Council Districts described in Map 120D and the election sequencing selected by the City Council, contingent upon and effective if a majority of City voters approve the Ballot Measure on March 3, 2020, in furtherance of the purposes of the California Voting Rights Act of 2001, Elections Code Section 14025 et seq., and to implement the guarantees of Section 7 of Article 1 and of Article II of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.28 AMENDED. Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.28.010. City Council electoral districts.

(a) Pursuant to Article VI of the City Charter, the City Council consists of a Mayor elected by all City voters and six City Council members elected in the electoral districts established by this Chapter and subsequently reapportioned pursuant to applicable local, State, and federal law.

(b) The six City Council member districts shall be as shown in the map attached as Exhibit A and incorporated herein by reference, and shall continue in effect until they are amended or repealed in accordance with law. The City Clerk shall keep a true and correct copy of this map on file and available to the public.

(c) If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

2.28.020. Election schedule.

The Mayor and Council Members of the City Council in City Council Districts 2, 4, and 6 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter, as such City Council Districts may be amended. City Council members shall be elected from City Council

Districts 1, 3, and 5 beginning at the General Municipal Election in November 2022, and every four years thereafter, as such City Council Districts may be amended.

2.28.030. In lieu petitions for cost of candidate's statement.

[Renumbered; Text Unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, sections 15061(b)(3), 15320, and 15378, that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment, and is an organizational structure change that does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective only if the ballot measure described in City of Sunnyvale Resolution No. 971-19 (proposed amendments to City of Sunnyvale Charter Article VI to implement City Council district elections) is approved by a majority of the eligible voters of the City of Sunnyvale at an election to be held on March 3, 2020, and shall take effect ten (10) days after the City Council has certified the results of that election by resolution.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on December 3, 2019, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney

Sunnyvale 2019 Districting

120D

Sequencing:

2020: 2, 4, 6

2022: 1, 3, 5

