

RESOLUTION NO. 998-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE WAIVING THE SIGNATURE
GATHERING REQUIREMENT IN SUNNYVALE
MUNICIPAL CODE SECTION 2.28.030 AND PROVIDING
FOR THE CITY TO COVER PUBLICATION COSTS OF
CITY COUNCIL CANDIDATE STATEMENTS FOR THE
NOVEMBER 2020 GENERAL MUNICIPAL ELECTION DUE
TO THE COVID-19 EMERGENCY**

WHEREAS, Sunnyvale Municipal Code (SMC) section 2.28.030 (In-Lieu Petitions for Costs of Candidate Statements) contains a process that allows candidates for City Council to receive either a partial or full subsidy, determined based on the number of voter signatures gathered, up to 250 for a full subsidy, from the City for the cost to publish a Candidate Statement of Qualifications in the voter pamphlet; and

WHEREAS, the State of California, Santa Clara County, and City of Sunnyvale have been operating under a state of emergency since early March 2020, due to the COVID-19 outbreak. The State and Santa Clara County have issued public health orders designed to limit the spread of COVID-19 that prohibit gatherings and require, among other things, that non-essential workers stay home and that all individuals maintain a “social distance” from others of at least six feet and observe a variety of other conduct-related health measures such as wearing facial coverings, washing or cleansing hands frequently, and avoiding sharing personal items; and

WHEREAS, although jurisdictions throughout the state, including Santa Clara County, are in the process of a phased reopening, it is anticipated that measures such as limitations on gatherings, social distancing, and conduct-related health measures are likely to stay in place at various levels well into the summer months; and

WHEREAS, to promote the health, safety and welfare of the community, the City of Sunnyvale encourages its residents to comply with all health orders and recommendations to reduce the spread of COVID-19; and

WHEREAS, the City of Sunnyvale has an interest in promoting policies that encourage residents to comply with public health orders and recommendations to further the public health, safety, and welfare during the COVID-19 emergency; and

WHEREAS, the COVID-19 emergency presents challenges to candidates for the office of mayor and the office of the city council positions who wish to utilize the Petition-in-Lieu process described in SMC 2.28.030 because social distancing requirements and prohibitions on large gatherings are likely to make it more difficult for candidates to gather signatures needed for a full or partial subsidy of the cost to publish a candidate statement; and

WHEREAS, the November 2020 General Municipal Election is also the first election under Sunnyvale's new City Council district system, and the City consequently has a strong interest in promoting voter and candidate participation and information to the fullest extent possible. The City Council is concerned that costs to candidates associated with gathering the signatures would be greater during the COVID-19 emergency, therefore making it more challenging for some potential candidates considering running for office of the city council under the new district election system. By eliminating this potential increased cost to candidates, the City Council would be supporting the possibility that the COVID-19 situation would not deter potential candidates from deciding to run for office; and

WHEREAS, the City Council further finds that covering the full cost to publish all mayor and city council candidate statements for the November 2020 General Municipal Election is not likely to be a significant cost to the City beyond the amount currently budgeted; and

WHEREAS, the City Council therefore finds that waiving the requirements of SMC 2.28.030 and providing for the City to pay the cost of publishing any candidate statement appropriately submitted by candidates for mayor or city council for the November 2020 General Municipal Election is desirable and appropriate in light of the COVID-19 emergency and the City's interest in promoting public health and slowing the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The requirements of Sunnyvale Municipal Code section 2.28.030 (In-Lieu Petitions for Costs of Candidate Statements) are hereby waived and suspended for candidates for City Council and Mayor positions for the November 2020 General Municipal Election.
2. For the November 2020 General Municipal Election, the City of Sunnyvale shall pay the full cost to publish all candidate statements timely and appropriately submitted by any candidate for the office of the mayor or office of the city council, without regard to whether such candidates have submitted signatures as required by Sunnyvale Municipal Code section 2.28.030.

Adopted by the City Council at a regular meeting held on June 9, 2020, by the following vote:

AYES: KLEIN, SMITH, LARSSON, HENDRICKS, MELTON, GOLDMAN, FONG
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:



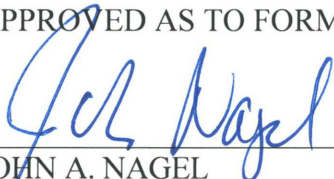
DAVID CARNAHAN
City Clerk
(SEAL)

APPROVED:



LARRY KLEIN
Mayor

APPROVED AS TO FORM:



JOHN A. NAGEL
City Attorney