



City of Sunnyvale

Meeting Minutes - Final

Charter Review Committee

Thursday, February 22, 2018

6:00 PM

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

CALL TO ORDER

Chair Stone called the meeting to order at 6 p.m.

ROLL CALL

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

Absent: 1 - Member Melinda Hamilton

ORAL COMMUNICATIONS

Steve Scandalis requested Committee Member Mehlinger to provide printed versions of the presentation of the range of days as a supplemental printout for the public record. Scandalis inquired as to whether the option of the Council to intentionally leave a vacancy has been explored and questioned whether it is allowed by a charter city.

CONSENT CALENDAR

1 [18-0188](#) Approve Charter Review Committee Meeting Minutes of February 8, 2018

MOTION: Committee Member Howe moved and Committee Member Hopkins seconded the motion to approve Charter Review Committee Meeting Minutes of February 8, 2018 as submitted.

The motion carried by the following vote:

Yes: 10 - Chair Stone
Vice Chair Weiss
Member Davis
Member Dietrich
Member Hopkins
Member Howe
Member Ketzel
Member Mehlinger
Member Richey
Member Walker

No: 0

Absent: 1 - Member Hamilton

GENERAL BUSINESS

- 2 [18-0189](#) Discussion of Alternatives to Filling Councilmember Vacancies and Amendments to City Charter Section 604, Including Adding an Appointment Provision, and Direction on Next Steps for Charter Review Committee Recommendation to City Council

Public comment opened at 6:06 p.m.

Zachary Kaufman suggested consideration of having a second body approve the appointment, such as presidents of neighborhood associations.

Public comment closed at 6:08 p.m.

Committee Member Richey provided a report regarding the “Small Working Group Draft Proposal 2-19-18” supplemental materials developed by Committee Members Linda Davis, Carol Weiss, Melinda Hamilton and Amanda Richey.

Discussion, comments and questions included:

- Discussion regarding some of the options when, for political reasons a split vote of the remaining Council would possibly result in the inability to select one of the options;
- Suggestion to consider making two years plus the filing period as the cutoff time to delineate between filling vacancy options;
- Discussion of the section defining a vacancy, sub-section e., when a Councilmember dies, and how to handle a situation involving competency or a

lengthy coma; inclusion of language covering any other cause;

- Discussion in favor of giving Council discretion to leave a seat vacant for a short period of time to avoid a situation of giving a short-term appointee incumbent advantage;
- Comments that incompetence is covered in Article II, Section F of the Constitution, which is included in sub-section f.;
- Discussion of putting a cap on the length of time a vacancy could be left open;
- Comments in support of keeping the section for filling vacancies simple rather than complicating it with the delineations between the first half and second half of terms;
- Discussion of the importance of avoiding having five seats running at one time, and keeping the cadence of the seats up for election; comments that the advantage of Option 1 would be a continuity of institutional knowledge and less likely to break up the specific elections, while Option 2 has the potential where there could be more seats up in an election, less institutional knowledge is maintained, but the advantage is saving money;
- Comments in support of adding to the section on Vacancy, a specific item for resignations;
- Discussion clarifying the cap on the number of appointees;
- Discussion in support of recommending to Council to create an open and transparent policy for making appointments before a vacancy occurs; and
- Discussion of the requirement to hold a special election within 120 days.

Chair Stone facilitated discussion of the key points in the report and informal straw votes to provide key direction or consensus on the following points:

- Should the timeframe for a seat to be declared vacant remain at 30 days? (9 in favor -1 dissenting vote by Committee Member Richey)
- Should the timeframe for appointing a new councilmember after the vacancy is declared be 60 days? (Unanimous in favor)
- If the Council is unable to appoint a member within the established period, should a special election be mandatory? (Failed on a 5 - 5 vote with Committee Members Dietrich, Howe, Weiss, Davis, and Hopkins dissenting)
- If the Council fails to make an appointment, allow them to vote to leave the seat vacant for a certain period of time (to be determined by CRC; 6 to 9 months discussed). If they fail to approve an appointment or maintain the vacancy, a special election within 120 days is required. (Unanimous in favor)
- If an appointment is made, an election should occur at the next general municipal election to fill the balance of the unexpired term. (Unanimous in favor)
- Limit on the maximum number of appointees; no appointment allowed if it would result in more than two appointed members serving at the same time. (9 in favor -1

dissenting vote by Committee Member Walker)

- Eliminate the current distinction between voluntary and involuntary vacancies; treat all vacancies the same regardless of the reason for the vacancy. (Unanimous in favor)

Public comment: 7:45 p.m.

Steve Scandalis provided comments regarding the following points: comment that allowing an appointment of two years or less opens up the same maneuvering that was there which lead to the change in 1975; comment that if council fails to agree on an appointee, that would possibly force a special election and may introduce a financial pressure to break the deadlock to agree on a candidate, which may not be the best for the residents of the City; expressed support for using the charter to narrow the options, reducing the opportunity for creative interpretation, and politicizing the decision; expressed support for placing the cap on the number of appointees at one to avoid multi-year and multi-seat manipulation; comment that extending the time of having a possible 3 to 3 vote is not necessarily a problem and means that the council must make a more convincing argument to their colleagues and the public, and to re-vote; requested consideration of the vote needed to appoint, and consideration of how an abstention should be handled.

Public comment closed 7:49 p.m.

Concluding discussion included:

- Discussion of the number of votes it would require to make an appointment;
- Discussion of additional subcommittee meeting(s), if needed;
- Discussion of next steps and guidance to staff;
- Request to get responses to some of the questions in the materials submitted by Committee Member Davis; and
- Request to place an item on the next agenda discussion of how to present the recommendations to Council.

Assistant City Attorney Melissa Tronquet provided concluding remarks on the next steps for the Committee to finalize recommendations to go to Council.

ADJOURNMENT

Chair Stone adjourned the meeting at 8 p.m.