



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Establish the Total Number of Members of the 2017/18 Charter Review Committee to Consider Amendments to Charter Section 604, Provide Direction on the Selection Process for Committee Membership, and Direct Staff to Set the Appointment of Committee Members for a Future Council Meeting

REPORT IN BRIEF

At the September 26, 2017 City Council meeting, Council took action to create an ad hoc Charter Review Committee ("CRC") to analyze and propose alternatives for amending City Charter Section 604 *Vacancies*, and directed staff to return to Council by May 2018 with the recommendations of the committee.

This report provides options for Council to consider for the composition of the Charter Review Committee and appointment process for members.

BACKGROUND

Recent History of Charter Review Committees in Sunnyvale

In 2010, the Charter Review Committee was established to review two issues (directly elected mayor, council compensation) and was comprised of 11 members. The committee members were selected through an open application process. Council initially directed staff to include interviews and appointments similar to the board and commission appointment process, but later reconsidered that action and after an extended application deadline, directly appointed all 11 applicants. (See Attachment 1, RTC No. 11-018, January 25, 2011)

In 2006, the Charter Review Committee was comprised of 15 members. Each Councilmember appointed two Committee members, with the last member appointed by the Mayor and confirmed by Council. Council identified seven Charter issues as priorities for the Committee to review and make a recommendation on. Additionally, the City Council authorized the Committee to identify other Charter issues for review and recommendation and to provide the opportunity for public input on changes to the Charter. (See Attachment 2, RTC No. 06-234, July 18, 2006)

EXISTING POLICY

The Council has complete flexibility in establishing a CRC, including but not limited to number of members and appointment process.

ENVIRONMENTAL REVIEW

Establishing and appointing a Charter Review Committee is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect

changes in the environment.

DISCUSSION

The Council has discretion to structure the committee to review Section 604 of the City Charter in any way it deems desirable. The options can be broadly characterized into the following three categories:

1. Council Nominations:
 - a. Establish the total number of members to be appointed.
 - b. Each Councilmember nominates one or more member(s).
 - c. Council ratifies all nominees to the CRC.
2. Recruitment and Appointment Similar to the City's Boards and Commissions:
 - a. Establish the total number of members to be appointed.
 - b. Advertise.
 - c. Receive applications (See Attachment 3, Draft Application Form).
 - d. City Clerk verifies qualifications.
 - e. Council interviews all applicants.
 - f. Voting process for appointment
 - i. Each applicant receives either a Yes, No, or Abstain vote.
 - ii. Four (4) Affirmative votes are required to select.
 - iii. The top number of Yes-vote-getters is selected and ratified.
 - iv. Tie-votes must be re-voted, followed by random selection.
3. Other process determined by Council.

Staff anticipates the following tentative timeline for this project:

- October - November: Council members select nominee(s) if option 1 is selected, or City Clerk conducts recruitment for CRC applicants if option 2 is selected.
- November - December: Report to Council - Appointment of members to the CRC (including interviews if option 2 is selected).
- January 2018 - April 2018: CRC meets as needed.
- May 2018: Report to Council - CRC recommendation to Council and Council direction on potential amendment to Charter Section 604.
- June 2018: Report to Council - Council considers resolution to submit ballot measure to the voters for the November 6, 2018 ballot.

FISCAL IMPACT

The costs for a 2017/18 Charter Review Committee will include recruitment advertising, if option 2 above is selected, and internal staff costs. Although the work may potentially require staff overtime the cost can be absorbed within the FY 2017/18 Operating Budget for the City Manager's office through vacancy savings.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Establish the total number of members of the Charter Review Committee to consider amendments to Charter Section 604, provide direction on the selection process for Committee membership, and direct staff to set the appointment of Committee members for a future Council meeting.
2. Other direction as provided by Council.

STAFF RECOMMENDATION

Staff makes no recommendation.

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Approved by: Kent Steffens, Interim City Manager

ATTACHMENTS

1. Report to Council No. 11-018, January 25, 2011
2. Report to Council No. 06-234, July 18, 2006
3. Draft Application Form