



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Introduction of an Ordinance to Implement Amended City Charter Section 604(e) by Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Related Amendments to City Council Policy 7.3.15 (Appointment of Interim Council Members)

BACKGROUND

On November 6, 2018, Sunnyvale voters approved amendments to City Charter section 604 (City Council Vacancies) (Attachment 1). One of the significant changes to Charter section 604 was to provide broader authority to the Council to appoint when a vacancy on the Council occurs. Section 604(e) requires that the Council adopt an ordinance establishing a public process for appointment, and this ordinance implements that requirement.

EXISTING POLICY

Sunnyvale Charter Section 604(e) requires that the Council adopt an ordinance establishing a public process for appointments to fill a vacancy on the City Council.

City Council Policy 7.3.15 (Attachment 2) contains a process for appointment of interim council members. It was adopted in 2010 with the purpose of promoting transparency by providing a clear process for the City Council to appoint an interim Councilmember to serve on a temporary basis when (1) a Councilmember is called to active military service, or (2) in the event a vacancy is created by the death or involuntary removal of a member from office within the last 180 days of their term, which was the only circumstance where appointment was allowed under the former provisions of Charter section 604.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with 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

1. Charter Review Commission Recommendation

The amendments to Charter section 604 were recommended by a Charter Review Committee (the “CRC”) of eleven Sunnyvale residents. The CRC met approximately eight times between January and April 2018. Ultimately, the CRC prepared recommended amendments to Section 604 and a report explaining the recommendations. The City Council approved without change the amendments recommended by the CRC (RTC No. 18-0414) and placed a measure on the November 2018 ballot,

which Sunnyvale voters approved.

Amended section 604(e) requires the City Council to “adopt an ordinance establishing a public process for appointment.” The CRC report explains that “The Committee believes it is important to the City’s electorate for the City Council to have an open and transparent appointment ordinance. An ordinance specifying an open and transparent process will help decrease the possibility for manipulation of the appointment process, because the ordinance cannot be easily changed once a vacancy occurs.” Specific items suggested in the CRC report for the process include posting and notification to the public of the vacancy and application process in accordance with best practices, a specified application period, a pre-determined application, a public interview process, solicitation of public comments, and open deliberation and voting.

2. Existing City Policy for Council Appointments and Draft Ordinance

In 2010, the City Council adopted policy 7.3.15, which describes a detailed process for appointment of interim council members in the event of a vacancy eligible for appointment under the provisions of Charter section 604 in effect at that time, or for interim appointments required to accommodate an elected Councilmember’s military service.

The existing policy contains provisions that address the key factors for an open and transparent process articulated by the CRC. The draft ordinance reflects the existing policy provisions, with some minor modifications to account for other new Charter requirements, such as the requirement that all appointments must have an affirmative vote of four or more Councilmembers (Attachment 3). The revisions to Policy 7.3.15 (Attachment 4) remove references to appointments in the event of death or involuntary removal of council members that applied under former Charter section 604.

FISCAL IMPACT

The proposed ordinance details an administrative process to be used if a vacancy on the City Council occurs and will not result in any new fiscal impacts.

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. Introduce an Ordinance Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Approve Related Revisions to City Council Policy 7.3.15 (Appointment of Interim Council Members) as shown in Attachment 4 to this Report.
2. Introduce an Ordinance Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Approve Related Revisions to City Council Policy 7.3.15 (Appointment of Interim Council Members) as shown in Attachment 4 to this Report with revisions directed by the City Council.

STAFF RECOMMENDATION

Alternative 1: Introduce an Ordinance Adding Chapter 2.30 to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code Relating to the Appointment Process for Filling City Council Vacancies and Approve Related Revisions to City Council Policy 7.3.15 (Appointment of Interim Council Members) as shown in Attachment 4 to the Report.

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Reviewed by: John Nagel, City Attorney

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Sunnyvale City Charter Section 604 (Amended 2018)
2. City Council Policy 7.3.15 (Appointment of Interim Council Members)
3. Draft Ordinance Adding Chapter 2.30 (Appointment process to fill vacancies on the City Council.) to Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code
4. Redline Revisions to Council Policy 7.3.15