



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 22-0859, Version: 1

---

### REPORT TO COUNCIL

#### **SUBJECT**

Adopt a Resolution Appointing Linda Sell to the City Council to Represent Council District 1 for a Full-Term of Four Years Beginning in 2023 in Lieu of an Election; and Cancelling the November 8, 2022, General Municipal Election for City Councilmember Council District 1, Pursuant to California Elections Code Section 10229

#### **BACKGROUND**

On June 7, 2022, the City Council adopted Resolution No. 1120-22, calling and giving notice of the holding of a general municipal election for the purpose of electing one person each from Council Districts 1, 3, and 5 to the City Council for full four-year terms.

As of the close of the nomination period on Friday, August 12, 2022, only one person, Linda Sell, filed nomination papers to run for the office of City Councilmember representing Council District 1.

California Elections Code (EC) Section 10229 allows the City Council to take one of the following courses of action when only one person has filed nomination papers for an office: (1) Appoint to the office the person who has been nominated, or (2) hold the election if either no one or only one person has been nominated. The City Clerk certification of facts required by EC Section 10229 is included as Attachment 3 to this report.

#### **EXISTING POLICY**

California Elections Code Section 10229 (Attachment 2)  
Sunnyvale Charter Section 1400 (General Municipal Elections)  
Sunnyvale Municipal Code Section 2.28.030 (In Lieu Petitions for Cost of Candidate's Statement)  
Council Policy 7.3.11 (Seating Arrangements/City Council) (Attachment 4)

#### **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**

This report provides the City Council an opportunity to consider appointing Linda Sell, the only candidate for Council District 1, to the City Council in lieu of conducting an election for this office. If appointed, Linda Sell would take office and serve on the City Council in the same manner as if elected to the office instead of being appointed. Cancelling the election would also eliminate the ability for another elector from Council District 1 to file as a write-in candidate for Council District 1.

### **City Council Seniority**

Council Policy 7.3.11 (Seating Arrangements/City Council) identifies the center seat for the Mayor and the seat on either side of the Mayor for the Vice Mayor and determines the order in which Councilmembers select their seat from among those remaining after the Mayor and Vice Mayor's seats are determined.

Councilmembers select their seat in the order of most senior to least senior. Seniority is determined by the length of continuous time of service on the City Council. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in their most recent election. Council seniority is also used to establish the order Councilmembers are listed on City letterhead, the voting board in Council Chambers and other administrative processes.

Should the City Council decide to appoint Linda Sell to Council District 1, Linda would end up with the least Council Seniority since Linda would receive zero votes by the nature of being appointed and the Councilmembers elected to Council Districts 3 and 5 will have an equivalent time of service, but more votes than Linda.

### **FISCAL IMPACT**

The County Registrar of Voters estimates the cost of publishing candidate statements at \$2,930 for each Council District 1 candidate, which includes the cost of ballot printing in five languages. Linda Sell provided the 100 valid signatures to qualify to have this cost waived pursuant to Sunnyvale Municipal Code section 2.28.030, which provides that the City will pay the full cost if the candidate submits 100 valid signatures.

Santa Clara County estimates that the cost of conducting the 2022 General Municipal Election for City Council District 1 will be \$16,854. The FY 2022/23 Recommended Budget includes \$489,750 for election costs.

Adopting the attached Resolution would result in an estimated \$19,784 savings by canceling the City Council District 1 Election and the associated candidate statement costs.

### **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 Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

### **ALTERNATIVES**

1. Adopt a Resolution appointing Linda Sell to the City Council to represent Council District One for a full-term of four years beginning in 2023 in lieu of an election; and cancelling the November 8, 2022, General Municipal Election for City Councilmember Council District 1, pursuant to California Elections Code Section 10229; and direct the City Clerk to not accept for filing any statement of write-in candidate which is submitted after the appointment is made.
2. Do not adopt a Resolution appointing Linda Sell to the City Council and direct staff to continue preparation for the November 8, 2022, General Municipal Election for City Councilmember Council District 1.

3. Other direction provided by Council.

**STAFF RECOMMENDATION**

Staff makes no recommendation. This report is being presented to City Council to facilitate discussion at the public hearing and for Council to consider appointing Linda Sell to Council District 1 or move ahead with an election for District 1.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Resolution of the City Council of the City of Sunnyvale Appointing Linda Sell to the City Council to Represent Council District 1 for a Full-Term of Four Years Beginning in 2023 in Lieu of an Election; and Cancelling the November 8, 2022, General Municipal Election for City Councilmember Electoral District 1, Pursuant to California Elections Code Section 10229
2. California Elections Code Section 10229
3. City Clerk Certification that there are not more candidates than elected offices
4. Council Policy 7.3.11 Seating Arrangements/City Council