



**Council Meeting: January 6, 2009**

**SUBJECT: Selection of Vice Mayor for 2009**

**REPORT IN BRIEF**

City Charter Section 606 and Council Policy 7.3.10 require the City Council select one of its members to serve as the Vice Mayor each year at the first meeting in January. The nomination and selection process for the Vice Mayor shall be carried out in the same manner as the election of the Mayor, with two exceptions, as referenced in Council Policy 7.3.10 (Attachment A): (1) A new Vice Mayor shall be elected every year, and (2) the incumbent Mayor, whether newly seated or halfway through a two-year term, is ineligible to be nominated as Vice Mayor.

Staff recommends Council select a Vice Mayor for 2009 pursuant to Council Policy 7.3.10 (Attachment A).

**BACKGROUND**

Council approved the process for the annual selection of the Vice Mayor on December 11, 2007 (see Attachment A).

**EXISTING POLICY**

City Charter, Section 606 reads, "At the first regular meeting in January, at which the City Council shall certify the election results following each General Municipal Election, and the first regular meeting in January in odd-numbered years, the City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability."

Council Policy 7.3.10 reads: "The Vice Mayor shall serve a one year term with the term beginning concurrently with the Mayor and shall serve until a successor is selected. Should the Mayor and/or Vice Mayor's office become vacant during a term for whatever reason (i.e. resignation, death, disability, Council vote), the Councilmember selected to fill the vacancy shall serve the remainder of the unexpired term."

"Nomination and Selection Process for Vice Mayor. The Vice Mayor election shall be carried out in the same manner as the election of the Mayor, with two exceptions:

- (1) A new Vice Mayor shall be elected every year, and
- (2) the incumbent Mayor, whether newly seated or halfway through a two-year term, is ineligible to be nominated as Vice Mayor.

**DISCUSSION**

Vice Mayor selection occurs pursuant to City Charter Section 606, as amended in the November 2007 General Election and Council Policy 7.3.10, approved on December 11, 2007.

Council Policy specifies that the selection of the Vice Mayor shall take place each year at the first meeting in January as the last item on the agenda. The selection process shall follow the process outlined for the selection of the Mayor as outlined in Attachment A.

**FISCAL IMPACT**

None.

**PUBLIC CONTACT**

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

**ALTERNATIVES**

None.

**RECOMMENDATION**

Staff recommends that Council select a Vice Mayor for 2009, as outlined in Attachment A.

Reviewed by:

Robert Walker, Assistant City Manager  
Prepared by: Gail Borkowski, City Clerk

Approved by:

Gary Luebbbers  
City Manager

**Attachments**

Attachment A: Council Policy 7.3.10

## **Policy 7.3.10 Mayor and Vice Mayor Selection**

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### **POLICY PURPOSE:**

Section 605 of the City Charter provides that the City Council shall select one of its members to be presiding officer and have the title of Mayor. The Mayor can be removed by super majority (five) votes of the Council. Further, the Charter provides that the Council shall select a Vice Mayor to serve in the absence of the Mayor. The Vice Mayor serves at the pleasure of the Council. The Charter does not specify the method of selection. Section 613 of the Charter provides that the Council shall establish rules of conduct of its proceedings. This policy specifies the time and method of Mayor and Vice Mayor selection. It is intended to supplement Sections 605, 606, and 613 of the City Charter and in no way conflict with those provisions.

### **POLICY STATEMENT:**

The City Charter provides the terms of office and certain procedural requirements for the selection and removal of the Mayor, and these Charter provisions are incorporated into this policy. The City Council recognizes the need to establish a term of office for the position of Vice Mayor as well as an orderly process of selection of both positions.

1. Terms of Office. The Mayor shall have a two year term of office, with the term of office beginning with the meeting at which a general municipal election is certified (typically in January of even numbered years) and shall serve until a successor is selected.

The Vice Mayor shall serve a one year term with the term beginning concurrently with the Mayor and shall serve until a successor is selected. Should the Mayor and/or Vice Mayor's office become vacant during a term for whatever reason (i.e. resignation, death, disability, Council vote), the Councilmember selected to fill the vacancy shall serve the remainder of the unexpired term.

2. Agenda for Selection of Mayor and Vice Mayor
  - A. At the first regular meeting in January of even-numbered years, the City Council shall certify the election results following each General Municipal Election.
  - B. The certification of the election results shall directly follow approval of minutes as a Special Order of the Day.
  - C. After results are certified, Councilmembers leaving office shall be excused and newly elected members shall be seated.
  - D. The next item of business shall be selection of the Mayor and Vice Mayor.
  - E. The selection of Mayor shall precede the selection of Vice Mayor, except in the case where only the Vice Mayor office is vacant.
3. Presiding Officer
  - A. The officer presiding over the selection process shall serve as Mayor Pro Tempore and preside over Council meetings until a Mayor is selected.
  - B. The individual functioning as presiding officer for the selection of Mayor shall be in the following order:

- (I) The incumbent Mayor if still on the Council.
- (II) The incumbent Vice Mayor if still on the Council.
- (III) The Councilmember with the longest period of continuous service.

Should there be two members of equal length of service, a drawing conducted by the City Clerk prior to the meeting shall be used to determine the presiding officer.

- C. The newly selected Mayor shall preside over the selection of the Vice Mayor.
4. Nomination and Selection Process for Mayor.
- A. Councilmembers shall select a Mayor who best exhibits the following criteria:
    - (I) Leadership. The candidate has a vision for the City and clearly defined goals that other Councilmembers support. The candidate recognizes Sunnyvale's role in regional issues as well.
    - (II) Executive skills. The candidate can run public hearings efficiently so that as many members of the public as possible are able to provide input on Council decisions. The candidate delegates tasks appropriately to the Vice Mayor, to subcommittees, and to Councilmembers. The candidate works well with city staff but does not take direction from staff.
    - (III) Integrity. The candidate maintains the highest possible ethical standards, works well with all Councilmembers, has the courage to take an unpopular position if it is best for the City, rises above petty disputes, remains calm in a crisis, and seeks recognition for the City more than personal acclaim.
    - (IV) Commitment. The candidate is willing and able to devote sufficient time to the role of Mayor in order to perform it properly, is supportive of the community and is supported by the community. The candidate's past actions have been for the City's benefit rather than being self-serving.

B. Nominations:

The Mayor Pro Tempore shall ask the Council for nominations for the position of the new Mayor. Any of the other Councilmembers may nominate someone other than himself or herself (including the incumbent or the Mayor Pro Tempore) for the position. The Mayor Pro Tempore shall ask each nominated Councilmember if he or she is willing to serve before declaring that person nominated. If there are no nominations, the Mayor Pro Tempore may make a nomination. When it appears that no further nominations will be made, the Mayor Pro Tempore shall announce that the nominations are closed.

C. Candidate Statements

If more than one Councilmember has been nominated, the Mayor Pro Tempore shall allow each nominated candidate to speak briefly on his or own behalf. Nominees shall speak in the order in which they were nominated.

## D. Voting:

All Councilmembers are strongly urged to be present for this vote. If for some reason a Councilmember cannot be present, they will be allowed to teleconference and vote, as prescribed below, and to voice their opinion in regards to the candidate.

## (I) Only One Candidate

If only one Councilmember has been nominated, the Mayor Pro Tempore shall declare that individual to be elected Mayor by unanimous consent.

## (II) Two Candidates

## (a) All Councilmembers present:

- Each Councilmember is entitled to vote for only one candidate. If two Councilmembers have been nominated, the Mayor shall call for a vote of the first one nominated. If that candidate has received four or more votes, the Mayor shall declare that candidate elected and the voting concluded. If not, the Mayor shall call for a vote for the second candidate in the same manner. The candidate receiving four or more votes shall be declared the Mayor.
- If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, the candidate(s) receiving the fewest first-choice votes shall be eliminated, with their votes reassigned to the voters' second-choice candidates. The counting process shall continue until one candidate has at least four votes and is declared to be elected

## (b) Teleconferencing:

- Each Councilmember is entitled to vote for only one candidate. If two Councilmembers have been nominated, the Mayor shall ask for a roll call vote for the first one nominated. The City Attorney shall determine the order of roll call voting via random drawing. Councilmember(s) calling in will state their vote via voice vote according to the order determined by random drawing. If the first candidate has received four or more votes, the Mayor shall declare that candidate elected and the voting concluded. If not, the Mayor shall ask for a roll call vote for the second candidate in the same manner.
- If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, the candidate(s) receiving the fewest first-choice votes shall be eliminated, with their votes reassigned to the voters' second-choice candidates. The counting process shall continue until one candidate has at least four votes and is declared to be elected.

- When the City Clerk announces the result of the voting, the incumbent Mayor, if not reelected, shall relinquish the chair, and the newly-elected Mayor shall preside over the election of the new Vice Mayor.

(III) Three or More Candidates

(a). All Councilmembers present:

- If there are three or more candidates, the Mayor shall ask each Councilmember to rank the candidates from first choice to last choice on a written ballot.
- The Mayor may choose to recess the meeting while the City Clerk counts the ballots.
- If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, the candidate(s) receiving the fewest first-choice votes shall be eliminated, with their votes reassigned to the voters' second-choice candidates.
- The counting process shall continue until one candidate has at least four votes and is declared to be elected.
- When the City Clerk announces the result of the voting the incumbent Mayor, if not reelected, shall relinquish the chair, and the newly-elected Mayor shall preside over the election of the new Vice Mayor.

(b). Teleconferencing:

- Votes will be taken by electronic vote unless a Councilmember participates via teleconference, in which case all votes will be taken by roll call vote. The order of roll call vote shall be determined by random drawing by the City Attorney.
- If there are three or more candidates, the Mayor shall ask each Councilmember present to rank the candidates from first choice to last choice on a written ballot.
- Any Councilmember(s) calling in will also rank candidates and wait for direction to announce their ranked choices on the record.
- The Mayor may choose to recess the meeting while the City Clerk counts the ballots.
- If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, the candidate(s) receiving the fewest first-choice votes shall be eliminated, with their votes reassigned to the voters' second-choice candidates.
- The counting process shall continue until one candidate has at least four votes and is declared to be elected.
- Councilmembers calling in will state their vote according to the order determined by random drawing.
- When the City Clerk announces the result of the voting the incumbent Mayor, if not reelected, shall relinquish the chair, and the newly-elected Mayor shall preside over the election of the new Vice Mayor.

- Public Record for Written Ballots Cast

A. The City Clerk shall announce all votes cast by each Councilmember for the record.

(I) All Councilmembers present:

(a) Written ballots shall be read in random order as determined by the City Attorney.

(II) Teleconferencing:

(b) Written ballots shall be read in order of the random drawing conducted by the City Attorney. Any Councilmember(s) calling in shall state their votes in the order determined by random drawing.

5. Nomination and Selection Process for Vice Mayor.

The Vice Mayor election shall be carried out in the same manner as the election of the Mayor, with two exceptions:

A new Vice Mayor shall be elected every year, and the incumbent Mayor, whether newly seated or halfway through a two-year term, is ineligible to be nominated as Vice Mayor.

6. Mid-Term Vacancies.

If either position becomes vacant during the course of the Mayor or Vice Mayor's term, the City Clerk shall place an agenda item to select a new Mayor or Vice Mayor on the agenda of the meeting when such vacancy is declared to exist. The Mayor or Vice Mayor, whoever is appropriate, shall preside over the selection.

(Adopted: RTC 81-602 (10/6/1981); Amended: 87-593 (11/10/1987), 95-165 (5/16/1995), 96-041 (2/27/1996); (Clerical/clarity update, Policy Update Project 7/2005); New Policy Adopted 12/11/2007))

Lead Department: Office of the City Manager