REPORT TO MAYOR AND COUNCIL NO: 10-162

Council Meeting: June 15, 2010

SUBJECT: Approval of Revised Council Policy 7.3.10, *Mayor and Vice Mayor Selection*

DISCUSSION

On April 27, 2010 Council considered revisions to Council Policy 7.3.10 regarding selection of Mayor and Vice Mayor and took action to clarify certain sections of the policy, eliminate the ranked-choice voting process, and insert language regarding holding a study session to allow Councilmembers and Councilmembers-Elect to indicate a preference for the positions and discuss aspects of the positions.

This action triggers a revision to Council Policy 7.3.10, *Mayor and Vice Mayor Selection*. The revised policy (Attachment A) also eliminates duplication and includes language to address tie votes.

EXISTING POLICY

Council Policy 7.3.10, *Mayor and Vice Mayor Selection*

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, 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 Web site.

ALTERNATIVES

1. Approve the policy revisions as presented.
2. Approve the policy with substitute revisions.
3. Other direction as provided by Council.

RECOMMENDATION

Staff recommends Alternative 1. Approve the policy revisions as presented.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbers
City Manager

Attachments
Attachment A: Revised Council Policy 7.3.10, *Mayor and Vice Mayor Selection*

Policy 7.3.10 Mayor and Vice Mayor Selection

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. Between Election Day and the first meeting in January, Council shall schedule a study session during which the Councilmembers and Councilmembers-elect shall have the opportunity to express interest in the positions of Mayor and Vice Mayor.
   B. At the first regular meeting in January of even-numbered years, the City Council shall certify the election results following each General Municipal Election.
   C. The certification of the election results shall directly follow approval of minutes as a Special Order of the Day.
   D. After results are certified, Councilmembers leaving office shall be excused and newly elected members shall be seated.
   E. The next item of business shall be selection of the Mayor and Vice Mayor.
   F. 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) More than One Candidate

(a) 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. Councilmembers calling in will state their vote according to the order determined by random drawing.

(b) Each Councilmember is entitled to vote for only one candidate. If more than one Councilmember has 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.

(c) In the case of a tie, a vote shall be held among all seven Councilmembers to break the tie. For example, in the case of three candidates, if candidate A gets three votes, candidate B gets two votes, and candidate C gets two votes, all seven Councilmember vote on Candidates B and C. If candidate C gets the most votes, the final vote will be held between Candidates A and C.

(d) The election process shall continue until one candidate has at least four votes and is declared to be elected.

(e) 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 remainder of the meeting, including the election of the new Vice Mayor, unless a teleconferencing Councilmember is newly-elected, in which case

the Mayor Pro Tempore shall continue to preside for the remainder of the meeting.

E. Public Record for Ballots Cast

The City Clerk shall announce all votes cast by each Councilmember for the record., The votes of each Councilmember shall be included in the minutes of the meeting.

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.
- 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; Amended 4/27/2010)

Lead Department: Office of the City Manager