

**Council Meeting: May 7, 2013****SUBJECT: Discussion and Possible Action Regarding Appointment of Campaign Ethics Subcommittee****BACKGROUND**

For the past three general elections in Sunnyvale (2007, 2009, and 2011), City Council has appointed a Campaign Ethics Subcommittee. The ad hoc subcommittee's initial work was prompted by the Council's desire to create a brochure to educate the public regarding campaign ethics. On July 10, 2007, City Council approved the first "Campaign Ethics Guide" which was subsequently distributed to the public prior to that year's election. As there were no funds specifically budgeted for this purpose, Council approved funding for its printing and distribution from what was then known as the Council Set-Aside Fund.

A Council subcommittee was also formed prior to the 2009 election. Subsequent to its recommendations to the full Council, the City appropriated \$6,000 with a 10% contingency for the reprinting of the Campaign Ethics Guide. Based on the recommendations of the subcommittee, Council also approved up to \$1,000 for the cost of holding public candidate forums, including the option of a "Last Word" event to discuss any negative campaign issues, and directed the City Manager to have staff cooperate with a moderator in preparing for these events.

Prior to the 2011 election, Council once again appointed an ad hoc Campaign Ethics Subcommittee, which subsequently reviewed both the Campaign Ethics Guide and the concept of conducting candidate forums. The subcommittee was authorized to approve revisions to the Campaign Ethics Guide subject to the Mayor's approval.

On September 13, 2011, the Council voted to automatically consider the appointment of an Ethics Subcommittee prior to September of every election year. This agenda item provides Council that opportunity.

EXISTING POLICY

Council Policy 7.0: *Long-term Advocacy Positions, Elections:* In cooperation with the County Registrar of Voters, support practices which would

increase voter turnout in local elections (e.g., mail ballots, more information to voters for judicial elections).

Policy 7.3.12 City Council Appointments to Intergovernmental Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces

Ad hoc advisory committees are composed of less than a quorum of the Council and are created for a limited time for a particular purpose. Under the Brown Act, ad hoc committees are not required to comply with open meeting requirements.

DISCUSSION

Council has the option of establishing subcommittees and/or advisory task forces to assist with particular matters as they arise. Any such body could be formed by the Council to assist with its decision-making relative to campaign ethics in relationship to the upcoming November 2013 election.

FISCAL IMPACT

There would be no fiscal impact associated with the appointment of a Council subcommittee, and the cost of mailing and printing a Campaign Ethics Guide (estimated at \$6,000) is included in the 2013/2014 budget.

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. Appoint an ad hoc Campaign Ethics Subcommittee to advise the City Council relative to the November 2013 election.
2. Do not appoint an ad hoc Campaign Ethics Subcommittee to advise the City Council relative to the November 2013 election.

RECOMMENDATION

Staff makes no recommendation regarding the formation of a Campaign Ethics Subcommittee, but offers the following observations to assist Council with its deliberations:

From staff's perspective, there is little left for a subcommittee to do relative to the Campaign Ethics Guide. Following that document's initial creation for the 2007 election, two additional subcommittees (2009 and 2011) have reviewed and revised it, with most recent revisions limited to changing dates and updating the fraction of voters with "vote-by-mail" status. Since the cost of the

document is already included in the Council-approved budget for Fiscal Year 2013/2014, there is also no need for a subcommittee to make any related fiscal recommendation. Barring any further action by Council, staff plans to update the Campaign Ethics Guide and distribute it to the general public in advance of the November 2013 election.

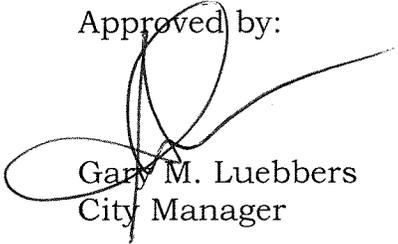
Staff prefers that its role relative to candidate forums and debates remain limited to providing information and logistical support to non-partisan moderators selected on the basis of their experience in conducting similar events (e.g., the League of Women Voters or the Markula Center).

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