

**Council Meeting: June 11, 2013**

**SUBJECT: Adoption of a Resolution Calling a Special Election for November 5, 2013, to be Consolidated with the General Municipal Election for the Purpose of Submitting to the Voters a Measure to Amend the City Charter to Change General Municipal Elections from Odd-Numbered Years to Even-Numbered Years**

**BACKGROUND**

At its March 6, 2012 regular meeting, the City Council directed staff to draft the necessary charter amendments and related resolutions to place a measure on the ballot for November 5, 2013, to consider changing from odd-year to even-year elections. (RTC 12-051)

**DISCUSSION**

Many jurisdictions consolidate their general municipal elections with the statewide general elections held on the first Tuesday after the first Monday in November of even-numbered years. A local jurisdiction's costs of holding its elections is considerably lower if elections are consolidated with the statewide general elections than if its elections are held in odd-numbered years. Currently, in Santa Clara County, only the City of Sunnyvale, Orchard School District, and seven special districts hold elections in odd-numbered years.

Article XIV, Section 1400 of the Sunnyvale City Charter currently stipulates that the general municipal election to fill elective offices be held in the odd-numbered years on the date established under general law for the election of governing board members of the elementary school districts, which is the first Tuesday after the first Monday in November. Article VI, Section 601 provides that Council Seats 1, 2, and 3 were filled in 1977, and every fourth year thereafter, and Seats 4, 5, 6, and 7 were filled in 1979, and every fourth year thereafter.

Article VI, Section 601 also provides that the term in office for each councilmember shall be four years. Thus, the amendment must also provide a way to harmonize the change to even-numbered election years with the charter provision on councilmember terms in office. The attached resolution proposes an amendment to Articles XIV and VI to change election years to even-numbered years, and proposes a one time, one year extension of councilmember terms in order to facilitate the election year transition, as discussed in RTC 12-051.

Article VI, Section 605 also provides that the City Council shall select one of its members to serve as mayor for a two year term, at the first regular meeting in January following each General Municipal Election. The amendment must also provide a way to harmonize the change to even-numbered election years with the two year mayoral term. The attached resolution proposes to amend Section 605 to authorize the City Council to select one of its members to serve a one year transitional mayoral term from the first meeting in January 2016 until the first meeting in January 2017, following the general municipal election to be held in November 2016.

If the Council adopts the amendments as proposed, and if they are approved by the voters, it should be noted that the City will not hold a general municipal election for three years from the November 2013 election, or until November 2016. If the City Council wished to propose a general tax measure, it would have to wait until the November 2016 election to do so, because general tax measures can only be held during general elections. If the Council is interested in having a regularly scheduled general election sooner than three years, it could modify the amendments so that the first even-year general election would occur in November 2014. If that were the case, the council terms would have to be reduced by a year, rather than increased by a year, so that seats 4,5,6, and 7 would be up for election in 2014, and seats 1,2, and 3 up for election in 2016.

The City Clerk requested an Impact Analysis/Cost Effectiveness Report from the County on what the savings would be if Sunnyvale approved the change. The County estimated that an election in 2016 would cost approximately \$350,707, while an election in 2015 would cost between \$394,546 and \$526,061, depending on how many other jurisdictions participated in the election. As a result, staff estimates that the change would save the City between \$43,839 and \$175,354 per Council election. The County has also stated that there would be a one-time cost of approximately \$20,000 to process the changes in its election information management system.

#### **FISCAL IMPACT**

The Registrar of Voters has estimated it will cost the City approximately \$43,195 for this measure to be submitted to the voters at the November 5, 2013 election.

#### **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) Adopt a Resolution Calling a Special Municipal Election for the Purpose of Submitting to the Voters a Measure Concerning an Amendment to the City Charter to Change Elections from Odd Numbered Years to Even Numbered Years to be Placed on the Ballot at the Consolidated Election to be Held in the City of Sunnyvale on November 5, 2013, and providing that the first even-numbered General Municipal Election will be held in 2016, and that councilmember terms will be extended one-year on a one time basis, and the mayoral term commencing January 2016 shall be a one year term.

(2) Adopt a Resolution Calling a Special Municipal Election for the Purpose of Submitting to the Voters a Measure Concerning an Amendment to the City Charter to Change Elections from Odd Numbered Years to Even Numbered Years to be Placed on the Ballot at the Consolidated Election to be Held in the City of Sunnyvale on November 5, 2013, and providing that the first even-numbered General Municipal Election will be held in 2014, and that councilmember terms will be reduced one-year or a one time basis, and the mayoral term commencing January 2014 shall be a one year term.

(3) Take no action.

**RECOMMENDATION**

Staff makes no recommendation.

Prepared by: City Attorney and City Clerk

Reviewed and approved by:

Joan A. Borger  
City Attorney

Reviewed and approved by:

Gary Luebbers  
City Manager

**Attachments**

- A. Resolution of the City Council of the City of Sunnyvale Calling a Special Municipal Election for the Purpose of Submitting to the Voters a Measure Concerning an Amendment to the City Charter to Change Elections from Odd-Numbered Years to Even-Numbered Years to be Placed on the Ballot at the Consolidated Election to be Held in the City of Sunnyvale on November 5, 2013

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING A SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A MEASURE CONCERNING AN AMENDMENT TO THE CITY CHARTER TO CHANGE ELECTIONS FROM ODD NUMBERED YEARS TO EVEN NUMBERED YEARS TO BE PLACED ON THE BALLOT AT THE CONSOLIDATED ELECTION TO BE HELD IN THE CITY OF SUNNYVALE ON NOVEMBER 5, 2013**

WHEREAS, on June 11, 2013, the City Council adopted Resolution \_\_\_\_\_, calling a General Municipal Election to be held in the City of Sunnyvale on November 5, 2013, and requesting election consolidation and the services of the Santa Clara County Registrar of Voters; and

WHEREAS, the City Council is interested in submitting to the voters a measure concerning a proposed amendment to the City Charter to change the City's general municipal elections from odd-numbered years to even-numbered years; and

WHEREAS, the City Clerk will set the dates for submittal of arguments for and against the measure; and

WHEREAS, a City may allow for submittal of rebuttal arguments for City ballot measures if the City Council adopts a resolution which adopts the provisions of Elections Code Section 9285 concerning rebuttal arguments; and

WHEREAS, whenever two or more elections of a city are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be either completely or partially consolidated pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, and Section 5342 of the Education Code; and

WHEREAS, Elections Code Section 10002 empowers the City Council to request the assistance of the County Registrar of Voters to provide election services to the City, and the City Council intends to call a General and Special Election on November 5, 2013, and for the consolidation of the elections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. **SPECIAL ELECTION.** A Special Municipal Election hereby is called in and for the City of Sunnyvale, on Tuesday November 5, 2013, for the purpose of submitting the below-designated measure to the voters of the City. The City Council orders that the Special Municipal Election be consolidated and combined with the General Municipal Election called for the same date.

2. MEASURE. The City Council hereby submits to the voters of the City of Sunnyvale, and orders to be placed on the ballot, at the Special Municipal Election called for November 5, 2013, the following measure:

To help reduce the City’s elections costs through consolidation with County and State elections, shall the Sunnyvale City Charter be amended to change the City’s general municipal elections from odd-numbered years to even-numbered years, with the next general municipal election scheduled for 2016, and to provide a one time, one year extension to councilmember terms, and create a temporary one year mayoral term to enable the transition to even-numbered year elections?	YES
	NO

3. ADOPTION OF MEASURE. In the event a majority of the electors voting on the Charter measure set forth above vote in favor thereof, the City Charter of the City of Sunnyvale shall be amended to read as set forth in Exhibit "A," attached hereto and incorporated herein, effective upon the date of filing.

4. NOTICE OF ELECTION. Notice of the time and place of holding the election is given, and the City Clerk hereby is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

5. CONSOLIDATION REQUEST. Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

6. REQUEST FOR COUNTY SERVICES. Pursuant to Section 10002 of the California Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of Sunnyvale's Special Municipal Election to be held on Tuesday, November 5, 2013. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, those certain services set forth in Section 4 hereof.

Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of the election. Further, the City Director of Finance is authorized

and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

7. BALLOT ARGUMENTS. Arguments for and against may be filed consistent with Elections Code Section 9282, *et seq.*

8. REBUTTAL ARGUMENTS. The City Council adopts the provisions of the Elections Code section 9285 to allow rebuttal arguments for all City of Sunnyvale ballot measures upon the adoption date of this resolution.

9. IMPARTIAL ANALYSIS. Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure.

10. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors, the County Registrar of Voters and the County Clerk of the County of Santa Clara.

11. EXEMPTION FROM CEQA. The City Council finds that this is not a project under the California Environmental Quality Act and, therefore, no environmental assessment is necessary.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT "A" TO RESOLUTION NO.**

**PROPOSED AMENDMENTS TO THE  
CITY CHARTER OF THE CITY OF SUNNYVALE**

The City Council of the City of Sunnyvale, on its own motion, submits to the electors the following amendments to the City Charter of the City of Sunnyvale. The City Council has called a Special Municipal Election to be held on Tuesday, November 5, 2013, for the purpose of voting on the City Charter amendments.

The proposed amendments to the City Charter of the City of Sunnyvale follow the statement of the measures. The provisions of the City Charter proposed to be deleted are printed as ~~strike-out~~ type, and the new provisions proposed to be added to the City Charter are printed as underlined type.

**CITY OF SUNNYVALE CHARTER MEASURE \_\_\_\_\_**

To help reduce the City's elections costs through consolidation with County and State elections, shall the Sunnyvale City Charter be amended to change the City's general municipal elections from odd-numbered years to even-numbered years, with the next general municipal election scheduled for 2016, and to provide a one time, one year extension to councilmember terms, and create a temporary one year mayoral term to enable the transition to even-numbered year elections?

Yes \_\_\_\_\_  
No \_\_\_\_\_

If Measure \_\_\_\_\_ carries, the City Charter of the City of Sunnyvale shall be amended by amending Sections 601 and 605 of Article VI (The Council) and Section 1400 of Article XIV (Elections) to read as follows:

**Section 601. Term and Election.**

Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four years. The term shall commence at the first regular meeting in January, at which the City Council shall certify the election results, and shall continue until a successor is elected and qualified.

The office of each member of the Council is a separate elective office to be separately filled at any election.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number \_\_\_\_\_." The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.

Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 1979 and every fourth year thereafter.

Commencing in 2016, Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 2016, and every fourth year thereafter, and Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 2018, and every fourth year thereafter.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 4,5, 6 and 7, whose term of office would have expired in January 2016 when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2017.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 1, 2, and 3, whose term of office would have expired in January 2018, when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2019.

### **Section 605. Presiding Officer. Mayor.**

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and at the first regular meeting in January every two years thereafter, the City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. Such selection shall be by motion of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor shall serve in such capacity for a term of two years from and after which the appointment is made, and until a successor is selected; provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.

Notwithstanding the two year term set forth above, in order to facilitate the transition to even year elections, the Councilmember selected to serve as Mayor at the first regular meeting in January 2016 shall serve a one year term rather than a two year term. Commencing with the January 2017 selection, the two year mayoral term will resume in accordance with the paragraph above.

The Mayor may be removed from such office prior to expiration of his/her term by a motion of the City Council adopted by the affirmative votes of at least five members of the City Council.

### **Section 1400. General Municipal Elections.**

A regular election to fill elective offices shall be held in the City of Sunnyvale on the first Tuesday after the first Monday in November of each even-numbered year, commencing with the year 2016, and the same shall be known as the General Municipal Election. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections.

~~There shall be a General Municipal Election to fill elective offices in the odd-numbered years on the date established under General Law for the election of governing board members of elementary school districts.~~