

**Council Meeting: November 26, 2013****SUBJECT: Certification of 2013 Election Results - Ballot Measures A, B and C****DISCUSSION**

A General Municipal Election was held November 5, 2013 for the purpose of submitting to the voters Measures A, B and C. The Santa Clara County Registrar of Voters canvassed the returns of the election and certified the results on November 19, 2013. Each of the measures were approved by the voters. The Certificate of Election Results is attached to the resolution declaring the vote (Attachment A).

The following measures were submitted to the voters November 5, 2013:

City of Sunnyvale Measure A Odd to Even Year Elections	
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

City of Sunnyvale Measure B Transient Occupancy Tax (TOT) Increase	
Shall the Sunnyvale Municipal Code be amended to increase the transient occupancy tax rate (commonly called "hotel tax") charged to persons who occupy hotel or motel rooms in the City for 30 days or less from 9.5% to 10.5% in order to help maintain the City's ability to fund basic services such as public safety and streets, trees, and sidewalk maintenance, and to keep parity with neighboring cities' hotel tax rates, effective January 1, 2014?	Yes
	No

City of Sunnyvale Measure C Gun Safety	
Shall the City of Sunnyvale adopt a gun safety ordinance to require: 1) reporting to police, within 48 hours, known loss or theft of a firearm; 2) storing firearms in residences in a locked container or disabling them with a trigger lock when not in the owner's immediate possession; 3) prohibiting the possession of ammunition magazines capable of holding more than 10 rounds, with certain exceptions; and 4) logging and tracking of ammunition sales within the City of Sunnyvale?	Yes
	No

Measures A, B and C each required approval of a majority of voters to be effective. By declaring that a majority of voters did vote in favor of each of them, they will be deemed adopted as of the date of this action, by the electors of the City. Copies of the ordinances and charter amendment are included in Attachments B, C and D.

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.

STAFF RECOMMENDATION

Adopt a resolution Declaring Canvass of Returns and Results of the General Municipal Election held November 5, 2013 for the purpose of submitting to the voters Measures A, B and C.

Reviewed by:

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

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Proposed Resolution Declaring Canvass of Returns and Results of the General Municipal Election held November 5, 2013 for the purpose of submitting to the voters Measure A, B and C
- B. Charter Amendment approved by the Voters relating to Even Year Elections.

- C. Ordinance approved by the Voters Amending the Sunnyvale Municipal Code relating to Transient Occupancy Tax (TOT) Increase.
- D. Ordinance approved by the Voters Amending the Sunnyvale Municipal Code relating to Gun Safety.

Attachment A

Draft JAB 11.20.13

RESOLUTION NO. XXX-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DECLARING THE CANVASS OF RETURNS AND RESULTS OF THE CONSOLIDATED GENERAL AND SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2013

WHEREAS, the City Council of the City of Sunnyvale duly called and ordered held in the City of Sunnyvale on Tuesday, November 5, 2013, a consolidated general and special municipal election and submitted to the voters:

Measure A proposing amendments to the Sunnyvale City Charter concerning changing the City's general municipal elections from odd-numbered years to even-numbered years with the next general municipal election scheduled for 2016; and

Measure B proposing an amendment to the City's Municipal Code to increase the City's transient occupancy tax (TOT) rate from 9.5% to 10.5%; and

Measure C proposing an amendment to the City's Municipal Code to require specified gun safety measures; and

WHEREAS, the Santa Clara County Registrar of Voters was requested to perform all necessary election procedures for the consolidated general and special municipal election; and

WHEREAS, the Santa Clara County Registrar of Voters did canvass the returns of the consolidated general and special municipal election, and did certify to this City Council the results of the votes cast at said election, which results are attached as Exhibit "A" and incorporated herein by reference.

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

1. The statement of the final results by the County of Santa Clara Registrar of Voters as shown in Exhibit "A" and the results of the votes cast at the consolidated general and special municipal election are hereby ratified, confirmed and approved.

2. The total numbers of votes cast in the City of Sunnyvale at the consolidated general and special municipal election and the number of votes cast in each precinct for and against the ballot measures, are as set forth in the Certification of Election Results from the County of Santa Clara Registrar of Voters, as shown in Exhibit "A".

3. At the consolidated general and special municipal election, the following amendment to the Charter of the City of Sunnyvale was submitted to the voters, and the number of votes cast for and against the measure is as follows:

MEASURE A	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?	<u>VOTE</u>	<u>NUMBER</u>	<u>PERCENT</u>
		YES	13,259	72.06%
		NO	5,142	27.94%

4. At the consolidated general and special election, the following amendment to the Municipal Code of the City of Sunnyvale was submitted to the voters, and the number of votes cast for and against the measure is as follows:

MEASURE B	Shall the Sunnyvale Municipal Code be amended to increase the transient occupancy tax rate (commonly called "hotel tax") charged to persons who occupy hotel or motel rooms in the City for 30 days or less from 9.5% to 10.5% in order to help maintain the City's ability to fund basic services such as public safety and streets, trees, and sidewalk maintenance, and to keep parity with neighboring cities' hotel tax rates, effective January 1, 2014?	<u>VOTE</u>	<u>NUMBER</u>	<u>PERCENT</u>
		YES	12,647	68.58%
		NO	5,799	31.42%

5. At the consolidated general and special municipal election, the following amendment to the Municipal Code of the City of Sunnyvale was submitted to the voters, and the number of votes cast for and against the measure is as follows:

MEASURE C	Shall the City of Sunnyvale adopt a gun safety ordinance to require: 1) reporting to police, within 48 hours, known loss or theft of a firearm; 2) storing firearms in residences in a locked container or disabling them with a trigger lock when not in the owner's immediate possession; 3) prohibiting the possession of ammunition magazines capable of holding more than 10 rounds, with certain exceptions; and 4) logging and tracking of ammunition sales within the City of Sunnyvale?	<u>VOTE</u>	<u>NUMBER</u>	<u>PERCENT</u>
		YES	12,404	66.55%
		NO	6,235	33.45%

6. Measures A, B, and C each required approval of a majority of voters to be effective, and because this Resolution declares that a majority of voters voting on Measures A, B, and C did vote in favor of each measure, they are each deemed adopted, as of the date of this Resolution, by the electors of the City of Sunnyvale. The City Attorney is directed to prepare amendments to the City Charter and the Municipal Code in accordance therewith.

7. The total number of ballots cast in the City of Sunnyvale at the consolidated general and special municipal election was 19,032 and the total number of votes given in each precinct of the City of Sunnyvale was as set forth in the canvass by the Registrar of Voters of Santa Clara County.

8. The City Clerk of the City of Sunnyvale hereby is instructed to enter this Resolution on the minutes of the City Council as a statement of the results of the 2013 consolidated general and special municipal election.

Adopted by the City Council at a regular meeting held on November 26, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

B	City of Sunnyvale Measure A - City of Sunnyvale - Election Date
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GRD. Totals - Page 7

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure A - City of Sunnyvale - Election Date	YES	NO
Santa Clara County	55233	19032	34.5%		13259	5142	
US Representative, District 17	55233	19032	34.5%		13259	5142	
State Senate, District 10	22	6	27.3%		5	0	
State Senate, District 13	55211	19026	34.5%		13254	5142	
Assembly District 24	55211	19026	34.5%		13254	5142	
Assembly District 25	22	6	27.3%		5	0	
State Board of Equal. District 2	55233	19032	34.5%		13259	5142	
Supervisory District 3	25338	7599	30.0%		5100	2255	
Supervisory District 5	29895	11433	38.2%		8159	2887	
City of Sunnyvale	55233	19032	34.5%		13259	5142	

November 5, 2013. Santa Clara County Consolidated Election.

8	City of Sunnyvale Measure A - City of Sunnyvale - Election Date
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VBM. Totals - Page 7

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure A - City of Sunnyvale - Election Date	YES	NO
Santa Clara County	55233	15060	27.3%		10594	4011	
US Representative, District 17	55233	15060	27.3%		10594	4011	
State Senate, District 10	22	6	27.3%		5	0	
State Senate, District 13	55211	15054	27.3%		10589	4011	
Assembly District 24	55211	15054	27.3%		10589	4011	
Assembly District 25	22	6	27.3%		5	0	
State Board of Equal. District 2	55233	15060	27.3%		10594	4011	
Supervisory District 3	25338	5955	23.5%		4059	1732	
Supervisory District 5	29895	9105	30.5%		6535	2279	
City of Sunnyvale	55233	15060	27.3%		10594	4011	

8	City of Sunnyvale Measure A - City of Sunnyvale - Election Date
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PCT. Totals - Page 7

	REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure A - City of Sunnyvale - Election Date	
				YES	NO
Santa Clara County	55233	3972	7.2%	2665	1131
US Representative, District 17	55233	3972	7.2%	2665	1131
State Senate, District 10	22	0	0.0%	0	0
State Senate, District 13	55211	3972	7.2%	2665	1131
Assembly District 24	55211	3972	7.2%	2665	1131
Assembly District 25	22	0	0.0%	0	0
State Board of Equal. District 2	55233	3972	7.2%	2665	1131
Supervisorial District 3	25338	1644	6.5%	1041	523
Supervisorial District 5	29895	2328	7.8%	1624	608
City of Sunnyvale	55233	3972	7.2%	2665	1131

November 5, 2013. Santa Clara County Consolidated Election.

7	City of Sunnyvale Measure A - City of Sunnyvale - Election Date
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		REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure A - City of Sunnyvale - Election Date	YES	NO
PCT 4001	PCT	794	80	7.6%			31	22
	VBM	794	212	26.7%			130	76
PCT 4002	PCT	1349	82	6.8%			47	36
	VBM	1349	331	24.5%			214	101
PCT 4004	PCT	639	68	10.6%			36	31
	VBM	639	143	22.4%			101	36
PCT MAIL 4005	PCT	41	0	0.0%			0	0
	VBM	41	16	39.0%			13	3
PCT 4006	PCT	970	50	5.2%			27	19
	VBM	970	220	22.7%			138	77
PCT 4007	PCT	1190	62	5.2%			44	17
	VBM	1190	320	26.9%			210	102
PCT MAIL 4008	PCT	22	0	0.0%			0	0
	VBM	22	6	27.3%			5	0
PCT 4010	PCT	1229	74	6.0%			40	29
	VBM	1229	378	30.8%			258	104
PCT 4011	PCT	1340	85	6.3%			49	34
	VBM	1340	288	21.3%			194	83
PCT MAIL 4012	PCT	16	0	0.0%			0	0
PCT MAIL 4012	VBM	16	0	0.0%			0	0
PCT 4013	PCT	907	74	8.2%			51	18
	VBM	907	215	23.7%			162	48
PCT 4016	PCT	1262	59	4.7%			38	19
	VBM	1262	321	25.6%			225	85
PCT 4017	PCT	905	42	4.6%			27	12
	VBM	905	204	22.5%			140	54
PCT 4019	PCT	980	98	10.2%			55	33
	VBM	980	244	25.4%			158	82
PCT 4022	PCT	1188	115	9.7%			78	33
	VBM	1188	272	22.9%			190	80
PCT 4023	PCT	1133	118	10.4%			88	25
	VBM	1133	346	30.5%			241	98
PCT 4026	PCT	1157	81	7.0%			50	23
	VBM	1157	283	22.7%			171	85
PCT 4034	PCT	1189	117	10.0%			87	25
	VBM	1189	421	36.0%			292	118
PCT 4035	PCT	1129	89	7.9%			50	34
	VBM	1129	297	26.3%			207	79
PCT 4036	PCT	876	61	7.0%			37	20
	VBM	876	254	29.0%			200	52
PCT 4038	PCT	1151	109	9.5%			67	35
PCT 4038	VBM	1151	322	28.0%			224	86
PCT 4039	PCT	995	88	8.8%			67	18
	VBM	995	370	37.2%			273	83
PCT 4041	PCT	1336	110	8.2%			70	35
	VBM	1336	615	38.6%			381	113

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 City of Sunnyvale
 Measure A - City of Sunnyvale - Election Date

		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure A - City of Sunnyvale - Election Date	
					YES	NO
PCT 4043	PCT	780	80	7.7%	37	19
	VBM	780	250	32.1%	192	44
PCT 4045	PCT	1223	81	6.6%	47	34
	VBM	1223	285	23.3%	191	83
PCT 4048	PCT	1404	99	7.1%	66	29
	VBM	1404	241	17.2%	150	88
PCT 4050	PCT	1255	51	4.1%	33	16
	VBM	1255	219	17.5%	157	57
PCT 4051	PCT	1341	64	4.8%	41	18
	VBM	1341	424	31.6%	303	105
PCT 4052	PCT	1313	96	7.3%	58	36
	VBM	1313	407	31.0%	300	98
PCT 4053	PCT	1371	154	11.2%	105	45
	VBM	1371	451	32.9%	307	130
PCT 4058	PCT	1148	62	5.4%	46	11
	VBM	1148	217	18.9%	152	60
PCT 4059	PCT	1400	84	6.0%	58	26
PCT 4059	VBM	1400	350	25.0%	226	116
PCT 4083	PCT	1455	89	4.7%	45	23
	VBM	1455	310	21.3%	223	79
PCT 4070	PCT	1321	88	6.7%	54	28
	VBM	1321	479	36.3%	333	135
PCT 4071	PCT	1313	130	9.9%	94	33
	VBM	1313	422	32.1%	300	104
PCT 4078	PCT	1073	87	8.1%	61	19
	VBM	1073	329	30.7%	239	83
PCT 4085	PCT	927	82	8.8%	55	25
	VBM	927	355	38.4%	259	92
PCT 4086	PCT	1179	90	7.6%	72	16
	VBM	1179	433	36.7%	307	102
PCT 4087	PCT	915	30	3.3%	15	13
	VBM	915	147	16.1%	94	40
PCT MAIL 4089	PCT	154	0	0.0%	0	0
	VBM	154	36	23.4%	27	5
PCT 4099	PCT	655	36	5.5%	28	7
	VBM	655	144	22.0%	100	39
PCT 4101	PCT	662	48	7.3%	28	18
	VBM	662	148	22.4%	103	39
PCT 4103	PCT	1307	114	8.7%	78	28
PCT 4103	VBM	1307	308	23.6%	203	98
PCT 4113	PCT	937	88	9.4%	73	12
	VBM	937	391	41.7%	300	84
PCT 4117	PCT	785	49	6.2%	36	12
	VBM	785	175	22.3%	127	44
PCT 4118	PCT	942	91	9.7%	74	17
	VBM	942	287	30.5%	221	61

November 5, 2013. Santa Clara County Consolidated Election.

7	City of Sunnyvale Measure A - City of Sunnyvale - Election Date
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		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure A - City of Sunnyvale - Election Date	
					YES	NO
PCT 4119	PCT	1303	79	6.1%	53	24
	VBM	1303	306	23.5%	218	86
PCT 4122	PCT	1046	87	8.3%	69	16
	VBM	1046	314	30.0%	231	76
PCT 4128	PCT	1111	87	8.0%	50	15
	VBM	1111	350	31.5%	254	86
PCT 4128	PCT	870	55	6.3%	46	8
	VBM	870	248	28.5%	177	66
PCT 4129	PCT	1076	71	6.6%	51	17
	VBM	1076	363	33.7%	259	94
PCT 4130	PCT	927	62	6.7%	43	17
	VBM	927	235	25.4%	174	53
PCT 4131	PCT	1151	66	5.7%	49	14
	VBM	1151	182	15.8%	123	50
PCT 4154	PCT	1141	80	7.0%	61	16
PCT 4154	VBM	1141	286	25.9%	219	71
GRAND TOTALS		55,233	19,032	34.5%	13,259	5,142

9	City of Sunnyvale Measure B - City of Sunnyvale - TOT
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GRD. Totals - Page 8

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure B - City of Sunnyvale - TOT YES	NO
Santa Clara County	55233	19032	34.5%		12657	5799
US Representative, District 17	55233	19032	34.5%		12657	5799
Slate Senale, District 10	22	6	27.3%		3	2
Slate Senale, District 13	55211	19026	34.5%		12654	5797
Assembly District 24	55211	19026	34.5%		12654	5797
Assembly District 25	22	6	27.3%		3	2
State Board of Equal, District 2	55233	19032	34.5%		12657	5799
Supervisory District 3	25338	7599	30.0%		4836	2519
Supervisory District 5	29895	11433	38.2%		7821	3280
City of Sunnyvale	55233	19032	34.5%		12657	5799

November 5, 2013, Santa Clara County Consolidated Election.

9	City of Sunnyvale Measure B - City of Sunnyvale - TOT
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VBM. Totals - Page 8

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure B - City of Sunnyvale - TOT	
					YES	NO
Santa Clara County	55233	15060	27.3%		10311	4328
US Representative, District 17	55233	15060	27.3%		10311	4328
State Senate, District 10	22	6	27.3%		3	2
State Senate, District 13	55211	15054	27.3%		10308	4328
Assembly District 24	55211	15054	27.3%		10308	4328
Assembly District 25	22	6	27.3%		3	2
State Board of Equal. District 2	55233	15060	27.3%		10311	4328
Supervisorial District 3	25338	5955	23.5%		3930	1855
Supervisorial District 5	29895	9105	30.5%		6381	2473
City of Sunnyvale	55233	15060	27.3%		10311	4328

9	City of Sunnyvale Measure B - City of Sunnyvale - TOT
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	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure B - City of Sunnyvale - TOT YES	NO
Santa Clara County	55233	3972	7.2%		2346	1471
US Representative, District 17	55233	3972	7.2%		2346	1471
State Senate, District 10	22	0	0.0%		0	0
State Senate, District 13	55211	3972	7.2%		2346	1471
Assembly District 24	55211	3972	7.2%		2346	1471
Assembly District 25	22	0	0.0%		0	0
State Board of Equal. District 2	55233	3972	7.2%		2346	1471
Supervisorial District 3	25338	1644	6.5%		906	664
Supervisorial District 5	29895	2328	7.8%		1440	807
City of Sunnyvale	55233	3972	7.2%		2346	1471

November 5, 2013. Santa Clara County Consolidated Election.

8	City of Sunnyvale Measure B - City of Sunnyvale - TOT
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		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure B - City of Sunnyvale - TOT YES	NO
PCT 4001	PCT	794	60	7.6%	33	22
	VBM	794	212	26.7%	132	75
PCT 4002	PCT	1349	92	6.8%	37	47
	VBM	1349	331	24.5%	198	114
PCT 4004	PCT	639	68	10.6%	39	28
	VBM	639	143	22.4%	100	40
PCT MAIL 4005	PCT	41	0	0.0%	0	0
	VBM	41	16	39.0%	7	9
PCT 4006	PCT	970	50	5.2%	24	23
	VBM	970	220	22.7%	128	94
PCT 4007	PCT	1190	62	5.2%	32	29
	VBM	1190	320	26.9%	190	124
PCT MAIL 4008	PCT	22	0	0.0%	0	0
	VBM	22	6	27.3%	3	2
PCT 4010	PCT	1229	74	6.0%	39	32
	VBM	1229	378	30.8%	249	118
PCT 4011	PCT	1340	85	6.3%	49	35
	VBM	1340	288	21.3%	181	97
PCT MAIL 4012	PCT	16	0	0.0%	0	0
PCT MAIL 4012	VBM	16	0	0.0%	0	0
PCT 4013	PCT	907	74	8.2%	32	37
	VBM	907	215	23.7%	148	63
PCT 4016	PCT	1252	59	4.7%	35	24
	VBM	1252	321	25.6%	230	81
PCT 4017	PCT	905	42	4.6%	24	15
	VBM	905	204	22.5%	136	81
PCT 4019	PCT	960	98	10.2%	56	35
	VBM	960	244	25.4%	158	77
PCT 4022	PCT	1188	115	9.7%	75	33
	VBM	1188	272	22.9%	171	98
PCT 4023	PCT	1133	118	10.4%	79	36
	VBM	1133	346	30.5%	229	112
PCT 4026	PCT	1157	81	7.0%	44	33
	VBM	1157	263	22.7%	178	75
PCT 4034	PCT	1169	117	10.0%	77	34
	VBM	1169	421	36.0%	303	107
PCT 4035	PCT	1129	89	7.9%	52	32
	VBM	1129	297	26.3%	191	92
PCT 4036	PCT	876	61	7.0%	29	26
	VBM	876	254	29.0%	167	86
PCT 4038	PCT	1151	109	9.5%	51	52
PCT 4038	VBM	1151	322	28.0%	222	91
PCT 4039	PCT	995	88	8.8%	62	24
	VBM	995	370	37.2%	263	98
PCT 4041	PCT	1336	110	8.2%	65	42
	VBM	1336	515	38.6%	385	109

8 City of Sunnyvale
Measure B - City of Sunnyvale - TOT

		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure B - City of Sunnyvale - TOT	
					YES	NO
PCT 4043	PCT	780	60	7.7%	39	18
	VBM	780	250	32.1%	181	59
PCT 4045	PCT	1223	81	6.6%	47	33
	VBM	1223	285	23.3%	197	78
PCT 4048	PCT	1404	99	7.1%	47	47
	VBM	1404	241	17.2%	167	65
PCT 4050	PCT	1255	51	4.1%	23	26
	VBM	1255	219	17.5%	137	78
PCT 4051	PCT	1341	64	4.8%	42	20
	VBM	1341	424	31.6%	317	97
PCT 4052	PCT	1313	96	7.3%	56	39
	VBM	1313	407	31.0%	284	113
PCT 4053	PCT	1371	154	11.2%	83	68
	VBM	1371	451	32.9%	289	144
PCT 4058	PCT	1148	62	5.4%	35	23
	VBM	1148	217	18.9%	132	83
PCT 4059	PCT	1400	84	6.0%	57	26
PCT 4059	VBM	1400	350	25.0%	232	105
PCT 4063	PCT	1455	89	4.7%	43	24
	VBM	1455	310	21.3%	218	87
PCT 4070	PCT	1321	88	6.7%	47	36
	VBM	1321	479	36.3%	326	142
PCT 4071	PCT	1313	130	9.9%	82	45
	VBM	1313	422	32.1%	279	125
PCT 4078	PCT	1073	87	8.1%	59	20
	VBM	1073	329	30.7%	223	101
PCT 4085	PCT	927	82	8.9%	61	18
	VBM	927	355	38.4%	267	82
PCT 4086	PCT	1179	90	7.6%	55	32
	VBM	1179	433	36.7%	315	104
PCT 4087	PCT	915	30	3.3%	14	14
	VBM	915	147	16.1%	99	37
PCT MAIL 4089	PCT	154	0	0.0%	0	0
	VBM	154	36	23.4%	22	11
PCT 4089	PCT	655	36	5.5%	17	18
	VBM	655	144	22.0%	98	41
PCT 4101	PCT	662	48	7.3%	25	21
	VBM	662	148	22.4%	105	39
PCT 4103	PCT	1307	114	8.7%	67	41
PCT 4103	VBM	1307	309	23.6%	219	82
PCT 4113	PCT	937	88	9.4%	65	21
	VBM	937	391	41.7%	283	102
PCT 4117	PCT	785	49	6.2%	28	20
	VBM	785	175	22.3%	127	44
PCT 4118	PCT	942	91	9.7%	60	31
	VBM	942	287	30.5%	198	65

City of Sunnyvale
Measure B - City of Sunnyvale - TOT

		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure B - City of Sunnyvale - TOT YES	NO
PCT 4119	PCT	1303	79	6.1%	52	23
	VBM	1303	306	23.5%	223	80
PCT 4122	PCT	1046	87	8.3%	58	28
	VBM	1046	314	30.0%	203	104
PCT 4128	PCT	1111	67	6.0%	51	15
	VBM	1111	350	31.5%	257	88
PCT 4128	PCT	870	55	6.3%	39	15
	VBM	870	248	28.5%	193	52
PCT 4129	PCT	1076	71	6.6%	42	26
	VBM	1076	363	33.7%	259	88
PCT 4130	PCT	927	62	6.7%	31	29
	VBM	927	235	25.4%	167	81
PCT 4131	PCT	1151	66	5.7%	43	21
	VBM	1151	182	15.8%	120	51
PCT 4154	PCT	1141	80	7.0%	44	34
PCT 4154	VBM	1141	296	25.9%	213	79
GRAND TOTALS		55,233	19,032	34.5%	12,657	5,789

10	City of Sunnyvale Measure C - City of Sunnyvale - Gun Safety
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GRD. Totals - Page 9

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure C - City of Sunnyvale - Gun Safety	
					YES	NO
Santa Clara County	55233	19032	34.5%		12404	6235
US Representative, District 17	55233	19032	34.5%		12404	6235
State Senate, District 10	22	6	27.3%		4	1
State Senate, District 13	55211	19026	34.5%		12400	6234
Assembly District 24	55211	19026	34.5%		12400	6234
Assembly District 25	22	6	27.3%		4	1
State Board of Equal, District 2	55233	19032	34.5%		12404	6235
Supervisorial District 3	25338	7599	30.0%		4899	2528
Supervisorial District 5	29885	11433	38.2%		7605	3707
City of Sunnyvale	55233	19032	34.5%		12404	6235

10	City of Sunnyvale Measure C - City of Sunnyvale - Gun Safety
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VBM Totals - Page 9

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure C - City of Sunnyvale - Gun Safety YES	NO
Santa Clara County	55233	15080	27.3%		10192	4565
US Representative, District 17	55233	15080	27.3%		10192	4565
State Senate, District 10	22	6	27.3%		4	1
State Senate, District 13	55211	15054	27.3%		10188	4564
Assembly District 24	55211	15054	27.3%		10188	4564
Assembly District 25	22	6	27.3%		4	1
State Board of Equal. District 2	55233	15060	27.3%		10192	4565
Supervisorial District 3	25338	5955	23.5%		3988	1833
Supervisorial District 5	29895	9105	30.5%		6194	2732
City of Sunnyvale	55233	15080	27.3%		10192	4565

10	City of Sunnyvale Measure C - City of Sunnyvale - Gun Safety
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PCT. Totals - Page 9

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure C - City of Sunnyvale - Gun Safety YES	NO
Santa Clara County	55233	3972	7.2%		2212	1670
US Representative, District 17	55233	3972	7.2%		2212	1670
State Senate, District 10	22	0	0.0%		0	0
State Senate, District 13	55211	3972	7.2%		2212	1670
Assembly District 24	55211	3972	7.2%		2212	1670
Assembly District 25	22	0	0.0%		0	0
State Board of Equal. District 2	55233	3972	7.2%		2212	1670
Supervisory District 3	25338	1644	6.5%		901	695
Supervisory District 5	29895	2328	7.8%		1311	975
City of Sunnyvale	55233	3972	7.2%		2212	1670

November 5, 2013. Santa Clara County Consolidated Election.

9	City of Sunnyvale Measure C - City of Sunnyvale - Gun Safety
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		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure C - City of Sunnyvale - Gun Safety YES	NO
PCT 4001	PCT	794	60	7.6%	35	23
	VBM	794	212	26.7%	144	63
PCT 4002	PCT	1349	92	6.8%	42	42
	VBM	1349	331	24.5%	217	105
PCT 4004	PCT	639	68	10.6%	37	31
	VBM	639	143	22.4%	104	37
PCT MAIL 4005	PCT	41	0	0.0%	0	0
	VBM	41	16	39.0%	10	6
PCT 4006	PCT	970	50	5.2%	27	22
	VBM	970	220	22.7%	142	76
PCT 4007	PCT	1190	62	5.2%	34	27
	VBM	1190	320	26.9%	192	122
PCT MAIL 4008	PCT	22	0	0.0%	0	0
	VBM	22	6	27.3%	4	1
PCT 4010	PCT	1229	74	6.0%	30	43
	VBM	1229	378	30.8%	275	92
PCT 4011	PCT	1340	85	6.3%	43	39
	VBM	1340	286	21.3%	174	108
PCT MAIL 4012	PCT	16	0	0.0%	0	0
PCT MAIL 4012	VBM	16	0	0.0%	0	0
PCT 4013	PCT	907	74	8.2%	40	30
	VBM	907	215	23.7%	131	80
PCT 4016	PCT	1252	59	4.7%	29	30
	VBM	1252	321	25.6%	239	76
PCT 4017	PCT	905	42	4.6%	26	15
	VBM	905	204	22.5%	159	40
PCT 4019	PCT	960	98	10.2%	51	39
	VBM	960	244	25.4%	162	72
PCT 4022	PCT	1188	115	9.7%	61	30
	VBM	1188	272	22.9%	189	78
PCT 4023	PCT	1133	118	10.4%	69	47
	VBM	1133	346	30.5%	213	129
PCT 4026	PCT	1157	81	7.0%	45	35
	VBM	1157	263	22.7%	167	92
PCT 4034	PCT	1169	117	10.0%	69	46
	VBM	1169	421	36.0%	267	146
PCT 4035	PCT	1129	89	7.9%	49	37
	VBM	1129	297	26.3%	203	89
PCT 4036	PCT	876	61	7.0%	27	32
	VBM	876	254	29.0%	167	84
PCT 4038	PCT	1151	109	9.5%	48	58
PCT 4038	VBM	1151	322	28.0%	205	113
PCT 4039	PCT	995	88	8.8%	59	30
	VBM	995	370	37.2%	251	106
PCT 4041	PCT	1336	110	8.2%	59	48
	VBM	1336	515	38.6%	346	161

9
 City of Sunnyvale
 Measure C - City of Sunnyvale - Gun Safety

PCT	PCT	REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure C - City of Sunnyvale - Gun Safety	
					YES	NO
PCT 4043	PCT	780	60	7.7%	36	23
	VBM	780	250	32.1%	161	81
PCT 4045	PCT	1223	81	6.6%	45	36
	VBM	1223	285	23.3%	184	95
PCT 4048	PCT	1404	99	7.1%	47	51
	VBM	1404	241	17.2%	167	69
PCT 4050	PCT	1255	51	4.1%	28	21
	VBM	1255	219	17.5%	153	61
PCT 4051	PCT	1341	84	4.8%	33	31
	VBM	1341	424	31.6%	297	121
PCT 4052	PCT	1313	96	7.3%	55	39
	VBM	1313	407	31.0%	276	124
PCT 4053	PCT	1371	154	11.2%	78	75
	VBM	1371	451	32.9%	297	145
PCT 4058	PCT	1148	62	5.4%	36	23
	VBM	1148	217	18.9%	132	84
PCT 4058	PCT	1400	84	6.0%	47	37
PCT 4058	VBM	1400	350	25.0%	229	118
PCT 4063	PCT	1455	69	4.7%	34	33
	VBM	1455	310	21.3%	200	107
PCT 4070	PCT	1321	88	6.7%	51	36
	VBM	1321	479	36.3%	331	136
PCT 4071	PCT	1313	130	9.9%	69	60
	VBM	1313	422	32.1%	252	156
PCT 4078	PCT	1073	87	8.1%	52	32
	VBM	1073	329	30.7%	222	103
PCT 4085	PCT	927	82	8.9%	53	29
	VBM	927	356	38.4%	251	101
PCT 4088	PCT	1179	90	7.6%	48	40
	VBM	1179	433	36.7%	302	120
PCT 4087	PCT	915	30	3.3%	16	13
	VBM	915	147	16.1%	112	23
PCT MAIL 4089	PCT	154	0	0.0%	0	0
	VBM	154	36	23.4%	30	3
PCT 4089	PCT	655	36	5.5%	17	18
	VBM	655	144	22.0%	104	34
PCT 4101	PCT	662	48	7.3%	17	29
	VBM	662	148	22.4%	110	37
PCT 4103	PCT	1307	114	8.7%	68	42
PCT 4103	VBM	1307	309	23.6%	208	95
PCT 4113	PCT	937	88	9.4%	59	28
	VBM	937	391	41.7%	282	105
PCT 4117	PCT	785	49	6.2%	33	16
	VBM	785	175	22.3%	130	38
PCT 4118	PCT	942	91	9.7%	59	32
	VBM	942	287	30.5%	198	87

9 City of Sunnyvale
Measure C - City of Sunnyvale - Gun Safety

		REGISTRATION	BALLOTS CAST	TURNOUT (%)	Measure C - City of Sunnyvale - Gun Safety	
					YES	NO
PCT 4118	PCT	1303	79	6.1%	43	32
	VBM	1303	306	23.5%	210	91
PCT 4122	PCT	1046	87	8.3%	49	38
	VBM	1046	314	30.0%	220	91
PCT 4126	PCT	1111	67	6.0%	46	19
	VBM	1111	350	31.5%	251	94
PCT 4128	PCT	870	55	6.3%	32	23
	VBM	870	248	28.5%	171	74
PCT 4129	PCT	1076	71	6.6%	46	25
	VBM	1076	363	33.7%	251	100
PCT 4130	PCT	927	62	6.7%	34	27
	VBM	927	235	25.4%	168	62
PCT 4131	PCT	1151	66	5.7%	38	26
	VBM	1151	182	15.8%	128	46
PCT 4154	PCT	1141	80	7.0%	44	34
PCT 4154	VBM	1141	296	25.9%	204	86
GRAND TOTALS		55,233	19,032	34.5%	12,404	6,235

Attachment B

DRAFT JB 11/20/13

Charter Chapter No. _____

Statutes of 2013

**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article XIV. Elections**

General and Special Municipal Election Held November 5, 2013

[Filed with the California Secretary of State _____]

Section 1400 of Article XIV of the Charter of the City of Sunnyvale is amended to read as follows:

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.

Certified and authenticated as a true copy:

Certified and authenticated as a true copy
and attested to:

Anthony Spitaleri, Mayor

Kathleen Franco-Simmons, City Clerk

(Seal)

DRAFT 418 11.20.13

Charter Chapter No. _____

Statutes of 2013

**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article VI. The Council**

General and Special Municipal Election Held November 5, 2013

[Filed with the California Secretary of State _____]

Section 601 of Article VI of the Charter of the City of Sunnyvale is amended 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.

Certified and authenticated as a true copy:

Anthony Spitaleri, Mayor

Certified and authenticated as a true copy
and attested to:

Kathleen Franco-Simmons, City Clerk

(Seal)

DRAFT 11-30-13

Charter Chapter No. _____

Statutes of 2013

**AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE
Charter Article VI. The Council**

General and Special Municipal Election Held November 5, 2013

[Filed with the California Secretary of State _____]

Section 605 of Article VI of the Charter of the City of Sunnyvale is amended to read as follows:

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.

Certified and authenticated as a true copy:

Certified and authenticated as a true copy
and attested to:

Anthony Spitaleri, Mayor

Kathleen Franco-Simmons, City Clerk

(Seal)

Attachment C

DRAFT 11.20.13**ORDINANCE NO. XXXX-13****AN ORDINANCE OF THE CITY OF SUNNYVALE
AMENDING SECTION 3.16.040 (“IMPOSITION—RATE—
PAYMENT”) OF THE SUNNYVALE MUNICIPAL CODE
TO INCREASE THE TRANSIENT OCCUPANCY TAX**

WHEREAS, by Resolution No. 589-13, adopted June 11, 2013, the City Council of the City of Sunnyvale submitted a measure to the electors of the City of Sunnyvale proposing an amendment to Section 3.16.040 of the Sunnyvale Municipal Code increasing the Transient Occupancy Tax as set forth in Section 1 of this ordinance; and

WHEREAS, the proposed amendment was adopted by a majority of the voters at the election held on November 5, 2013, and the City Council has by Resolution No. _____ declared that the ballot measure was approved.

NOW THEREFORE, THE PEOPLE OF THE CITY OF SUNNYVALE DO ORDAIN AS FOLLOWS:

SECTION 1. SECTION 3.16.040 AMENDED. Section 3.16.040 of Sunnyvale Municipal Code is hereby amended to read as follows:

3.16.040. Imposition – Rate - Payment.

(a) For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eight percent of the rent charged by the operator through June 30, 1995, and eight and one-half percent of the rent charged by the operator on or after July 1, 1995.

(b) Commencing January 1, 2007, and continuing through December 31, 2008, the amount of the tax shall be nine percent of the rent charged by the operator. Effective January 1, 2009, the amount of the tax shall be nine and one-half percent of the rent charged by the operator, provided, however, that the average citywide hotel/motel occupancy rate from January 1 through September 30, 2008, as determined by the director of finance, is at least sixty percent. If the average occupancy rate during this period is less than sixty percent, the increase in the amount of the tax shall be deferred until January 1, 2010. In any event, the amount of the tax on and after January 1, 2010, shall be nine and one-half percent of the rent charged by operator.

(c) Commencing January 1, 2014, and continuing thereafter, the amount of the tax shall be ten and one-half percent of the rent charged by the operator.

(d) Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient, or any person paying rent on the transient’s behalf, shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax

shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Sunnyvale hereby declare that they would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. Pursuant to California Election Code Section 9217, this ordinance is adopted as of November 26, 2013, when the City Council of the City of Sunnyvale certified the election results. This ordinance shall go into effect December 6, 2013.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

This ordinance was introduced by Resolution No. 589-13 by the City Council of the City of Sunnyvale at the regular meeting of the City Council, held on the 11th day of June, 2013, for submission to the voters at an election to be held on November 5, 2013 by the following vote:

AYES: SPITALERI, GRIFFITH, WHITTUM, MARTIN-MILLIUS
NOES: MOYLAN, MEYERING, DAVIS
ABSENT: NONE
ABSTAIN: NONE

This ordinance was submitted to the voters and approved by a vote of 12,657 (yes) to 5,799 (no) as declared by Resolution No. _____ of the City Council, dated November 26, 2013.

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Attachment D

DRAFT HB 11.20-13**ORDINANCE NO. XXXX-13****AN ORDINANCE OF THE CITY OF SUNNYVALE
AMENDING CHAPTER 9.44 (FIREARMS) OF THE
SUNNYVALE MUNICIPAL CODE TO ADD GUN SAFETY
MEASURES**

WHEREAS, by Resolution No. 606-13, adopted July 16, 2013, the City Council of the City of Sunnyvale submitted a measure to the electors of the City of Sunnyvale proposing an amendment to Chapter 9.44 of the Sunnyvale Municipal Code adding gun safety measures as set forth in Section 1 of this ordinance; and

WHEREAS, the proposed amendment was adopted by a majority of the voters at the election held on November 5, 2013, and the City Council has by Resolution No. _____ declared that the ballot measure was approved.

NOW THEREFORE, THE PEOPLE OF THE CITY OF SUNNYVALE DO ORDAIN AS FOLLOWS:

WHEREAS, the People of the City of Sunnyvale find that the violence and harm caused by and resulting from both the intentional and accidental misuse of guns constitutes a clear and present danger to the populace, and find that sensible gun safety measures provide some relief from that danger and are of benefit to the entire community; and

WHEREAS, the People of the City of Sunnyvale find that laws that provide for safe storage of guns in homes, that require a gun owner to report a stolen or lost gun, that prohibit the possession of ammunition magazines capable of holding more than ten rounds unless circumstances warrant such possession, and that require record-keeping relating to the sale of ammunition constitute sensible gun safety regulations because they are not unduly burdensome for gun owners, they aid law enforcement officers in their duties, and they offer some protection to all members of the community.

SECTION 1. SECTIONS 9.44.030, 9.44.040, 9.44.050 and 9.44.060 ADDED. Sections 9.44.030, 9.44.040, 9.44.050 and 9.44.060 is added to Chapter 9.44 (Firearms) of Title 9 (Public Peace, Safety or Welfare) of Sunnyvale Municipal Code to read as follows:

9.44.030. Duty to report theft or loss of firearms.

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) shall report the theft or loss of the firearm to the Sunnyvale Department of Public Safety within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the City of Sunnyvale; or (2) the theft or loss of the firearm occurs in the City of Sunnyvale.

9.44.040. Safe storage of firearms.

Except when carried on his or her person, or in his or her immediate

control and possession, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

9.44.050. Possession of large-capacity ammunition magazines prohibited.

(a) No person may possess a large-capacity magazine in the City of Sunnyvale whether assembled or disassembled. For purposes of this section, "large-capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than ten (10) rounds, but shall not be construed to include any of the following:

- (1) A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds; or
- (2) A .22 caliber tubular ammunition feeding device; or
- (3) A tubular magazine that is contained in a lever-action firearm.

(b) Any person who, prior to the effective date of this section, was legally in possession of a large-capacity magazine shall have ninety (90) days from such effective date to do either of the following without being subject to prosecution:

- (1) Remove the large-capacity magazine from the City of Sunnyvale; or
- (2) Surrender the large-capacity magazine to the Sunnyvale Department of Public Safety for destruction; or
- (3) Lawfully sell or transfer the large-capacity magazine in accordance with Penal Code Section 12020.

(c) This section shall not apply to the following:

- (1) Any federal, state, county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties;

- (2) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine and does so while acting within the course and scope of his or her duties;

- (3) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her duties;

- (4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

- (5) Any person who has been issued a license or permit by the California Department of Justice pursuant to Penal Code Sections 18900, 26500-26915, 31000, 32315, 32650, 32700-32720, or 33300, when the possession of a large-capacity magazine is in accordance with that license or permit;

- (6) A licensed gunsmith for purposes of maintenance, repair or modification of the large-capacity magazine;

(7) Any person who finds a large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is reasonably necessary to deliver or transport the same to a law enforcement agency;

(8) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000, if no magazine that holds fewer than 10 rounds of ammunition is compatible with the firearm and the person possesses the large-capacity magazine solely for use with that firearm.

(9) Any retired peace officer holding a valid, current Carry Concealed Weapons (CCW) permit issued pursuant to California Penal Code.

9.44.060. Ammunition Sales.

(a) It is unlawful for any person to engage in the business of selling, leasing, or otherwise transferring firearm ammunition within the City of Sunnyvale except in compliance with this code.

(b) Definitions:

(1) "Ammunition" means any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge, and a primer which is used in the operation of a firearm.

(2) "Ammunition vendor" means any person engaged in the business of selling, leasing, or otherwise transferring firearm ammunition.

(3) "Person" means a natural person, association, partnership, firm, corporation, or other entity.

(c) Every ammunition vendor shall maintain an ammunition sales log which records all ammunition sales made by the vendor. The transferee shall provide, and the ammunition vendor shall record on the ammunition sales log, at the time of sale, all of the following information for each sale of firearms ammunition:

(1) The name, address, and date of birth of the transferee;

(2) The date of the sale;

(3) The transferee's driver's license number, state identification card number, passport number, or other valid government-issued photographic identification;

(4) The brand, type, and quantity of firearms ammunition transferred;

(5) The identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;

(6) The transferee's signature and right thumbprint.

(d) The ammunition sales log shall be recorded on a form approved by the Chief of Public Safety. All ammunition sales logs shall be kept at the location of the firearms ammunition sale for a period of not less than two years from the date of the sale. Ammunition sales logs shall be open to reasonable inspection by peace officers at all times the ammunition vendor is regularly open for business.

(e) No person shall knowingly provide false, inaccurate, or incomplete information to an ammunition vendor for the purpose of purchasing firearms ammunition. No ammunition vendor shall knowingly make a false, inaccurate, or

incomplete entry in any ammunition sales log, nor shall any ammunition vendor refuse any reasonable inspection of an ammunition sales log subject to inspection.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Sunnyvale hereby declare that they would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. Pursuant to California Election Code Section 9217, this ordinance is adopted as of November 26, 2013, when the City Council of the City of Sunnyvale certified the election results. This ordinance shall go into effect December 6, 2013.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

This ordinance was introduced by Resolution No. 606-13 by the City Council of the City of Sunnyvale at the regular meeting of the City Council, held on the 16th day of July, 2013, for submission to the voters at an election to be held on November 5, 2013 by the following vote:

AYES: SPITALERI, GRIFFITH, MOYLAN, MEYERING, MARTIN-MILLIUS, DAVIS
NOES: WHITTUM
ABSENT: None
ABSTAIN: None

This ordinance was submitted to the voters and approved by a vote of 12,404 (yes) to 6,235 (no) as declared by Resolution No. _____ of the City Council, dated November 26, 2013.

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney