



CITY OF SUNNYVALE  
OFFICE OF THE CITY ATTORNEY

David E. Kahn  
City Attorney  
Kathryn A. Berry  
Sr. Assistant City Attorney  
Rebecca L. Moon  
Assistant City Attorney  
Robert L. Boco  
Assistant City Attorney  
Barbara "Sam" Roberts  
Paralegal  
Cathy A. Smith  
Administrative Assistant  
Kerry Adamo  
Risk & Insurance

MEMORANDUM

TO: 2006-07 Charter Review Committee  
FROM: David Kahn, City Attorney DEK  
DATE: November 22, 2006  
RE: COUNCIL PRIORITY ISSUE: DIRECTLY-ELECTED MAYOR

The City Council selected as a third-tier priority issue, with 2 votes, whether current Charter Section 605, providing for the mayor to be selected by the City Council, should be amended to provide for a directly-elected mayor. Charter Section 605 currently states:

**Section 605. Presiding Officer. Mayor.** At the same meeting following each General Municipal Election at which the City Council certifies the election results, or the second regular meeting in November in even-numbered years, 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 one year 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.

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. (Amended effective December 31, 1975, December 21, 1976, December 21, 1987, and November 30, 1995: previously Section 704) (*Emphasis added*)

2006-07 Charter Review Committee

Re: **Council Priority Issue: Directly-Elected Mayor**

November 27, 2006

Page 2

### History of Charter Provision on Selection of Mayor

The original 1949 City Charter provided for the selection of the mayor from and by the Council and stated in Section 704:

The City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the city for all ceremonial purposes. He shall perform such other duties as may be prescribed by this charter or as may be imposed by the City Council consistent with his office. The Mayor shall serve in such capacity at the pleasure of the City Council.

The issue of a directly-elected mayor has from time to time been considered by the City in past years. In 1987, a proposal to put a Charter amendment on the ballot for the direct election of mayor was rejected by the Council. Instead, they decided to propose an alternative Charter amendment keeping the selection of the mayor by the Council, but changing the term from one to two years.

1991 was an active year on the issue of a Sunnyvale directly-elected mayor. First, the Council appointed a Charter Review Committee whose primary charge was to discuss the change to a directly-elected mayor and make a recommendation to the Council. The 1991 Charter Review Committee recommended against a Charter amendment to a directly-elected mayor and the Council did not vote to put a Charter amendment for a directly-elected mayor on the 1991 ballot. The 1991 Report from the Charter Review Committee is attached for historical background (Attachment A).

In response to the recommendation of the Charter Review Committee, then-Councilmember Larry Stone developed and circulated an initiative proposal to put a Charter amendment for a directly-elected mayor on the 1991 ballot.<sup>1</sup> The initiative qualified for the 1991 November ballot. It failed by a vote of 9,412 no votes to 6,678 yes votes. A copy of the City Attorney's transmittal of the initiative to the City Clerk is attached (Attachment B).

### Arguments For and Against Directly-Elected Mayor

The National Civic League Model City Charter Revision Project developed in 2005, an option memo on the Election of Mayor By and From Council vs. Direct Election-at-Large of Mayor for the 8<sup>th</sup> Edition of the Model City Charter. The option memo succinctly sets out the arguments for and against the two models of selecting a mayor. It is interesting to note that the 6<sup>th</sup> Edition of the Model City Charter recommended that the council choose the mayor, with the direct election-at-large as a less-favored alternative, whereas the 7<sup>th</sup> Edition presented both alternatives without a recommendation and stating that "local preference and tradition" will govern which method is

---

<sup>1</sup> The initiative also provided for the reduction of a councilmember's salary for missed meetings not involving City business.

2006-07 Charter Review Committee

Re: **Council Priority Issue: Directly-Elected Mayor**

November 27, 2006

Page 3

selected. A copy of the option memo is attached for review (Attachment C). In sum, the National Civic League points for and against the two methods of selecting a mayor are:

Directly-Elected Mayor:

- ✓ Clear expression of city-wide policy choices (but more important if district elections for council)
- ✓ More media coverage of mayor's race raising voter awareness of issues
- ✓ Increases potential for mayoral leadership by providing popular support base
- ✓ *Disadvantage- possibility that mayor will disagree with Council on policy issues and rely on mandate from voters instead of working for consensus with council*

Selection of Mayor By Council:

- ✓ Local policy leadership functions best when a majority of councilmembers select the mayor- reduces likelihood of conflict between council and mayor
- ✓ *Disadvantage- Can diminish effective leadership if serves at pleasure of council instead of set term*
- ✓ *Disadvantage- Rotation of office of mayor may not consider capability or support and limits experience mayor can acquire to increase leadership competence*

The historical Charter Review Committee materials attached include the Committee's reasons for recommending against a change to a directly-elected mayor, as well as testimony in support of a directly-elected mayor. It is recommended that these materials be reviewed for background by the 2006 Charter Review Committee.

DEK:sam

Attachments

David's Folder\Charter Review Committee\MemoDirectMayor112206.doc

cc: Amy Chan, City Manager

Robert Walker, Assistant City Manager

Attachments:

A – 1991 Report from the Charter Review Committee

B – Copy of the City Attorney's transmittal of the 1991 initiative to the City Clerk

C – 2005 option memo on the Election of Mayor By and From Council vs. Direct Election-at-Large

**ATTACHMENT A**



TO THE HONORABLE MAYOR AND COUNCIL

DATE: July 23, 1991SUBJECT: **RECOMMENDATIONS OF THE AD HOC CHARTER REVIEW COMMITTEE****REPORT IN BRIEF**

In February 1991 Council identified a number of issues relating to service on the City Council, including the possibility of changing the method for choosing the Mayor from selection by Council to direct election by the voters. Council also directed that an ad hoc advisory Charter Review Committee be established to review the issues. In April 1991, Council appointed fifteen City residents to an Ad Hoc Charter Review Committee. The objectives of the Committee were to study the identified issues and to make recommendations to Council on possible revisions of the City Charter. Council would then consider the recommendations and possibly propose revisions to the City Charter to be placed on the November 1991 ballot.

Between April and late June the Charter Review Committee held a number of public hearings and study sessions to review the Charter issues identified by Council. The Committee has completed its work and now forwards its recommendations to Council for its consideration (see Attachment 1).

On the central issue of whether the Mayor should be directly elected, the Committee is recommending that the City retain its current method of Council selection of the Mayor.

**BACKGROUND**

At its meeting of February 5, 1991, Council approved the establishment of a 15-member Ad Hoc Charter Review Committee. The purposes of the Committee were to: 1) study the possible revision of the City Charter to provide for the direct election of the Mayor as well as other specific issues related to service on the City Council; and 2) recommend possible Charter revisions on the specific issues for Council consideration. The list of the Council-identified issues reviewed by the Committee is contained in Attachment 2.

In addition to identifying the Charter issues to be studied by the Committee, Council also established a series of guidelines to guide the Committee's study process. The guidelines adopted by Council are contained in Attachment 3.

A

According to Council's adopted selection criteria, each of the seven Councilmembers appointed two Committee members with the fifteenth member appointed by the Council as an entire body. To be eligible to serve on the Committee, each appointee had to be a registered voter residing within the City. After interviewing all eligible and available applicants on March 25 and March 27, on April 9 Council appointed the 15-member Committee. Members of the Committee are identified in Attachment 4.

The Committee elected Mr. Tony Spitaleri as its Chairperson and Mr. Chris McComb as its Vice-Chair. The Committee was supported by three City staff members: Ms. Valerie Armento, City Attorney (who provided legal assistance); Ms. Carol Bulter, Deputy City Clerk (who maintained the official minutes of the actions taken by the Committee); and Mr. James Webb, Jr. - Administrative Assistant (who provided general administrative assistance).

### DISCUSSION

During the period April 15 - June 28, the Committee met on twelve occasions which included three public hearings in three City park facilities (as directed by Council), eight Committee study sessions and one working meeting. The public hearings were held in Braly, Lakewood and Washington parks. The Committee heard comments from members of the public (at both the public hearings and study sessions) as well as from current and former members of Council. Overall, 40 persons directed comments to the Committee during its public hearings and study sessions. The minutes of eleven Committee meetings from April 15 to June 5 are contained in Attachment 5. There were no minutes prepared for the Committee's working - and final - meeting of June 25 (the meeting at which it adopted its report). However, the entire meeting was tape recorded.

To study the Charter issues, the Committee formed four subcommittees which, in turn, focused on specific issues. In the process of studying their assigned issues, subcommittee members contacted knowledgeable local sources, conducted their own research and met on several occasions as sub-groups to discuss their issues and to formulate their recommendations to the full Committee. After receiving reports and recommendations from the subcommittees, the full Committee then discussed each issue and voted on a recommended position. Key Committee recommendations include:

- The City should retain its current method of having the Mayor selected by the Council.
- The Mayor's term should remain two years.
- Should the City have a directly elected Mayor, Councilmembers who declare their candidacy should not be able to run from "safe" seats.
- There should be no "lifetime" limits on Council service.

- The maximum continuous service on the Council as a Councilmember should be two full terms. If there is directly elected Mayor, the maximum continuous service should be three full terms with no more than two full terms as a Councilmember or as Mayor.
- There should be a period of four years between the time a Councilmember leaves office and the time he/she can again run for Council. (Currently, a former Councilmember must wait at least two years.)
- The issue of directly elected Mayor should not be placed on the ballot. However should an initiative measure qualify for the November ballot, Council should place a countermeasure on the same ballot based on the Committee's recommendations.

After the full Committee had taken positions on all fifteen of the Charter issues it was charged with reviewing, a report writing subcommittee drafted the Committee's final report. By a vote of 8-3 (with four members absent), the draft was approved, with minor revisions, by the Committee on June 25. The Committee's final report is contained in Attachment 1.

With the submission of the Committee's report to the City Council for review and consideration, the Ad Hoc Charter Review Committee has completed its charge. As an advisory committee, the Committee's recommendations are not binding on Council.

Should Council wish to place any Charter revisions before City voters on the November 1991 ballot, it must notify the County Registrar of Voters by August 9, 1991. As a practical matter, this means that Council should act no later than its meeting of August 6, 1991 on any possible Charter revisions it wants to place on the November 1991 ballot (whether or not recommended by the Charter Review Committee).

Should Council want to propose possible revisions to the Charter, by no later than its meeting of August 6, Council must: 1) adopt a resolution containing the specific language it wants to appear on its November ballot measure; and 2) specify whether the Council will permit rebuttal arguments to be placed on the proposed November ballot measure. In terms of the procedure to place any measure and possible rebuttal arguments on the November ballot, Council should be aware of the following dates:

1. August 6, 1991 - Last scheduled Council meeting Council may adopt a resolution containing the specific language of any measure to be placed on the November 1991 ballot. Council must also determine whether rebuttal arguments will be allowed on the measure.

2. August 9, 1991 - Last day the City can submit the specific language of a Council-adopted ballot measure to the County Registrar of Voters. The City must also specify whether rebuttal arguments can appear on the proposed ballot measure.
3. August 12, 1991 - Last day pro and con measure arguments can be filed with the City Clerk's Office. Should more than one argument be filed by either or both sides, one argument for and one argument against the measure will be selected by the City Clerk to appear on the ballot. While any City resident can file an argument, first priority must be given to any argument filed by the Council as a body or any sub-group of Councilmembers.
4. August 22, 1991 - Last day pro and con ballot measure rebuttal arguments can be filed with the City Clerk. Should more than one argument be filed by either or both sides, one argument for and one argument against the measure will be selected by the City Clerk to appear on the measure. While any City resident can file an argument, first priority must be given to any argument filed by the Council as a body or any sub-group of Councilmembers.
5. August 23 to September 3, 1991 - 10 calendar-day public review period of the pro and con arguments, the pro and con rebuttal arguments and the impartial analysis (to be prepared by the City Attorney) that will appear on the ballot measure.
6. September 4, 1991 - County Registrar of Voters is notified of any revisions to the measure arguments, measure rebuttal arguments and/or impartial analysis and given City authorization to proceed with the printing of the ballot measure.
7. November 5, 1991 - City residents vote on the ballot measure.

### ALTERNATIVES

After reviewing the Committee's recommendations, the Council has several possible options:

1. Accept any or all of the Committee's recommendations.

Council could accept any or all of the Committee's recommendations, placing the most appropriate recommendations on the November ballot for approval by the voters.

2. Amend any or all of the Committee's recommendations.

Council could amend any or all of the Committee's recommendations and place the appropriate amended recommendations on the November ballot for approval by the voters.

3. Decline to act on any or all of the Committee's recommendations.

Under this alternative, Council could simply decline to act on any or all of the Committee's recommendations or it could substitute its own revisions for any or all of the Committee's recommendations for voter approval in November.

4. Take some combination of alternatives 1, 2 and 3

Under this alternative, Council could decide to accept some Committee recommendations and amend, replace or decline to act on others.

**FISCAL IMPACT**

The Committee's recommendations would, if adopted, have no significant fiscal impact on the City.

As of the end of fiscal year 1990/91, staff support costs were as follows:

	<u>Actual Hours</u>	<u>Actual Costs</u>
Recording	35	1,142
Legal	47	2,421
Administrative/Secretarial	290	\$12,441
	<u>372</u>	<u>\$16,004</u>

A large portion of the administrative costs are related to the recruitment and orientation of Committee members (the preparation and processing of applications, arranging for interviews, advertising costs, preparing background material for applicants, etc.). Other administrative/secretarial costs include such items as staff time needed to prepare

reports and Committee materials and to set up meeting facilities. The costs of all staff support reflect the costs of staff time reprogrammed from other program service objectives to provide support for the Committee.

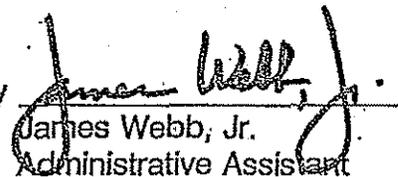
**PUBLIC CONTACT**

Copies of this report have been made available to the all Ad Hoc Charter Review Committee members, all applicants who applied for Committee membership, members of the press, any interested member of the public, a number of Sunnyvale-based civic organizations and the Chamber of Commerce.

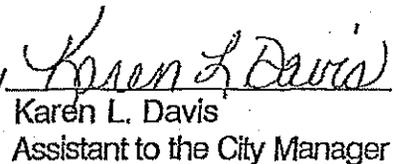
**RECOMMENDATION**

Staff has no recommendations.

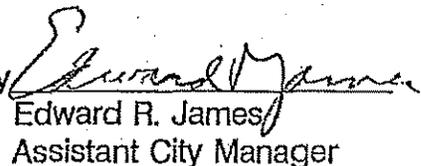
Prepared by

  
James Webb, Jr.  
Administrative Assistant

Reviewed by

  
Karen L. Davis  
Assistant to the City Manager

Approved by

  
Edward R. James  
Assistant City Manager

  
Thomas F. Lewcock  
City Manager

Attachments:

1. Final Report of the Charter Review Committee
2. Council-Identified Charter Review Issues
3. Study Guidelines for the Charter Review Committee
4. Members of the Ad Hoc Charter Review Committee
5. Minutes of Committee Meetings: April 15 - June 5

**AD HOC CHARTER REVIEW COMMITTEE RECOMMENDATIONS**

June 28, 1991

**INTRODUCTION**

In April 1991 the Sunnyvale City Council appointed an Ad Hoc Charter Review Committee (Committee) of fifteen members, representing a cross section of Sunnyvale's interested citizens, to review Article VI of the City Charter. The Council identified fifteen specific issues on which it wanted the Committee to act as an ad hoc advisory body to them. They specified that the Committee obtain citizen input at three public hearings about the possible revisions to the City Charter based on the identified issues. Public input was also allowed and received by the Committee at the beginning of each full Committee meeting.

The Committee divided itself into four subcommittee study groups. Each subcommittee was assigned three or four of the issues to research and submit recommendations to the Committee. Each subcommittee report was based not only on their own investigation and research, but included the input from the citizens of Sunnyvale as expressed at the public hearings held by the full Committee.

Additionally, present and former City Council Members, and a member of the Santa Clara County Board of Supervisors, who appeared at either a public hearing or addressed the Committee during the public hearing portion of the Committee's study sessions, discussed their views of the issues. The Committee considered each subcommittee's report and recommendations, obtained additional information when needed and then voted on the recommendations to be submitted to the City Council.

This report covers the results of the public hearings and subcommittee investigations, states the recommendations of the Committee in response to the fifteen questions submitted by the Council and includes rationale to the City Council.

Attached are the Ad Hoc Charter Review Committee's recommendations in response to the fifteen questions submitted by the Council and include the rationale used as the basis for the Committee's recommendations.

*Tony Spitaleri*  
\_\_\_\_\_  
jw for Tony Spitaleri  
Chairperson

*Chris McComb*  
\_\_\_\_\_  
Chris McComb  
Vice Chairperson

## AD HOC CHARTER REVIEW COMMITTEE RECOMMENDATIONS

### Council-Identified Charter Issues

#### QUESTION #1

**Should the Mayor be directly elected by the voters?**

Answer:

No, by a Committee vote of 12-2, with one absent. There are no major problems in Sunnyvale to create a reason for a change in its present form of government.

Input from public hearings, interviews with individuals and a study of other cities with Council/Manager forms of government with either Council-selected or Directly Elected Mayors resulted in strong support of Sunnyvale's current system.

Sunnyvale's present Council/Manager system offers a results-oriented model of mayoral leadership more appropriate to the decade of the 90's and beyond.

Sunnyvale is very successful in its influence in the County, in the State and in the Nation, and is nationally known for its excellence in the Council/Manager system of government. Many former members of Sunnyvale's City Council have gone on to achieve higher positions at the County, State and Federal levels.

Sunnyvale has a "we" form of government instead of an "I" format, which includes the City Council and Administration listening to the citizens' ideas and opinions and being responsive to them. ~~Concern was expressed that a directly elected mayor would embroil Sunnyvale in similar situations to that of nearby cities that do have directly elected mayors, where the mayors seem to be pushing their private agendas.~~

Also expressed was concern that a ~~directly elected mayor would cost the city an increasing amount of money.~~

~~Public concern was expressed that politicizing the city with a directly elected mayor might tend to reduce citizen participation and involvement with the city functions and commissions.~~

Citizens could not understand why anyone would want to tamper with the way Sunnyvale is being so successfully run.

COMMITTEE VOTE:  
Yes - 12  
No - 2  
Absent - 1

**QUESTION #2**

**Should the City Council return to the prior method of selecting a mayor to serve a term of one year?**

**ANSWER:**

No. The City should retain its current 2 year term. Two years allows each Mayor an opportunity to more fully implement her/his ideas.

Committee Vote:    Yes - 12  
                              No - 2  
                              Absent - 1

**QUESTION #3**

**What would be the effect of a directly elected Mayor on the Mayor-Council relationship, on the Council-Manager relationship and on how the City operates?**

**ANSWER:**

Research indicates that a ~~Directly Elected Mayor tends to seek more power in the office, which could lead to serious conflicts within the City Council~~ and alter the excellent unified relationship which now exists between Council and the City Manager.

A ~~directly elected Mayor could threaten the Council/Manager relationship~~ as it now exists, a relationship that has produced Sunnyvale's very effective performance-based budget. The United States Congress itself is now holding hearings at which this system is being considered, with a former Sunnyvale mayor acting as a consultant.

Public opinion indicates apprehension that a directly elected Mayor would seek more power. An overview of reports indicate this to be the pattern in cities changing from Council-selected to a Directly Elected Mayor.

~~Citizens expressed concern that a directly elected Mayor, over time, would have conflicts with City Manager decisions for the City.~~ They felt our present system is the best balanced system for Sunnyvale.

The public also expressed concern that a ~~directly elected Mayor might polarize and politicize the City and its government.~~ It was felt that such problems might escalate over time.

A directly elected Mayor would ~~cost the City an increasing amount of money, over time.~~

A city that has received so many accolades for its achievements and smoothly run system of government has no need to make any changes.

Committee Vote: Yes - 12  
No - 0  
Abstention - 1  
Absent - 2

**QUESTION #4**

**Should rebuttal arguments for and against a directly elected mayor be included in the election materials sent the voters?**

ANSWER:

Yes. In the event a measure to directly elect the Mayor appears on the ballot for a vote of the public, rebuttal arguments for and against a directly elected Mayor should be included in material sent to the voters.

Committee Vote: Yes - 13  
No - 0  
Absent - 2

**QUESTION #5**

**Should Councilmembers who run for Mayor vacate their Council seats at the time of declaring for Mayor?**

ANSWER:

Council members who file papers for candidacy for directly elected Mayor should vacate their Council seat at the conclusion of the election for which they ran for Mayor.

This will allow citizens interested in Council service the opportunity to run for the seat being vacated by a Councilmember interested in the Mayor's job. This alleviates the possibility of having to hold a special election to fill the unexpired term of a Councilmember who is elected Mayor. This is a savings to the City.

*Benefit?*

All current members of the Council who appeared before the Committee and all members of the public who addressed this question, advocated that there should not be a "safe seat" from which to run for Mayor.

Committee Vote: Yes - 14  
No - 1

**QUESTION #6**

**Should Councilmembers who run for Mayor declare their intention in ample time to allow potential candidates interested in Council service to qualify for November elections? (How much is "ample time?")**

ANSWER:

Yes. If the City has a directly elected Mayor, any Councilmembers who decide to run for Mayor must declare their intention for the office by the first **Wednesday** in May of the year in which the mayoral election takes place.

The requirement for incumbent City Council Members to make an early declaration of intent to run for Mayor would help offset the advantage of incumbency in an election. Six months early declaration of intent to run for Mayor would give all candidates ample time to prepare and run for the office. This allows candidates for the seat being vacated by the Councilmember to prepare and campaign for that seat.

In the event the election for Mayor is a Special Election, then all candidates, including incumbent Council Members, shall be held to equal filing and public declaration standards.

It is not reasonable to expect an incumbent to be able to predict a Special Election. Nor is it reasonable to exclude them as a candidate.

Committee Vote: Yes - 13  
No - 0  
Abstain - 2

**QUESTION #7**

**Which seat should be designated as the Mayor's seat?**

**ANSWER:**

If a measure to directly elect the Mayor should be passed by the voters, the seat to be declared the Mayor's seat should be picked by lot by the current Members of the City Council from among the seats up for election in 1993.

There does not seem to be any factors that favor one seat over another for the purpose of designating one to be that of the Mayor. Selection by lot would eliminate any value judgements being placed on one seat's suitability over another.

Committee Vote:    Yes - 15  
                              No - 0

**QUESTION #8**

**If approved by the voters, how should the transition to a directly elected Mayor occur?**

**ANSWER:**

On the same ballot on which a measure is put before Sunnyvale voters to directly elect a Mayor, there should be a measure that allows for the designation, by lot, of one Council seat to be designated as the Mayor's seat from among those seats that have terms that expire at the time of the 1993 election.

If a measure to directly elect the Mayor is passed by the voters, the lot drawing to determine the designated Mayor's seat should take place at the next regularly scheduled City Council meeting following the November 1991 election. The election of the Mayor should take place at the 1993 general election at which time the terms of seats now numbered one, two and three expire. This procedure would be the least disruptive of the existing election cycles for City Council seats.

Committee Vote:    Yes - 15  
                              No - 0

**QUESTION #9**

**What should be the term length for the Mayor and the maximum number of terms an individual could serve as Mayor?**

**ANSWER:**

The term length for a directly elected Mayor should be four years with an individual being able to serve a maximum of two consecutive terms as Mayor.

A four year term provides sufficient time to establish a strong working relationship with the City Manager and to establish a proper and productive identity within the local and greater regional community. This provides sufficient time to build consensus on needs and solutions in the Council and community and to commence and execute programs to address these needs. The term of the Mayor should not be less than that of a Councilmember.

Committee Vote:    Yes - 14  
                              No - 0  
                              Abstention - 1

**QUESTION #10**

**What should be the maximum length of time a member could serve continuously on the Council as a Councilmember and Mayor?**

**ANSWER:**

If the current method of selecting the Mayor is not changed, the current limit of two consecutive full terms as a Council Member should not be changed.

If Sunnyvale changes to a directly elected Mayor, the maximum continuous service on the Council as Council Member and Mayor should be three full terms with no more than two full terms as Council Member or Mayor.

The Committee believes this limit accomplishes two goals: (1) it provides the opportunity for Sunnyvale citizens to elect an experienced Council Member to the office of Directly Elected Mayor; and, (2) it encourages wide participation in public service by retaining limits on consecutive service.

Committee Vote:    Yes - 7  
                              No - 4  
                              Abstention - 2  
                              Absent - 2

**QUESTION #11**

**Should there be "lifetime" limits on total service as Mayor and on total service as Mayor and on the Council (whether continuous or not)?**

**ANSWER:**

No, the City should not have "lifetime" limits on Council service.

Lifetime limits implies the electorate is not trusted to make an informed choice. The Committee is sensitive to the power of the incumbent or a recognized name, but feels consecutive term limits are an adequate safeguard to counter these powers.

The Committee feels lifetime limits restrict two freedoms: the freedom of an individual to continue to serve the community and, the freedom of choice of the voters to choose when they wish to represent them.

Committee Vote:    Yes - 11  
                              No - 2  
                              Absent - 2

**QUESTION #12**

**How much time should elapse between the time a Councilmember leaves office and the time he/she can again run for Council?**

**ANSWER:**

The Committee recommends there should be a period of four years between the time a Council Member leaves office and the time he/she can again run for Council.

The Committee interpreted this question as being independent of the question of a directly elected Mayor.

This period provides a sufficiently level field for all candidates, whether new or previous incumbents.

Committee Vote:    Yes - 8  
                              No - 5  
                              Absent - 2

**QUESTION #13**

**How can it be ensured that members elected to fill unexpired terms will be able to serve the maximum of two full terms as provided by the City Charter should the member choose to run again and is re-elected?**

**ANSWER:**

The Committee recommends no change be made in the current City Charter language that allows a member to serve an unexpired term plus a maximum of two full terms.

The Charter currently reads:

"Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year elective terms after the expiration of the unexpired term which he/she filled."

**Committee Vote:**    Yes - 13  
                                  No - 0  
                                  Absent - 2

**QUESTION #14**

**How should the City Charter be amended to facilitate Council's ability to determine special election dates to fill Council vacancies that will encourage maximum voter turnout?**

**ANSWER:**

The Committee recommends that the City Charter be amended to reflect the following changes:

Council has 30 days to declare a seat vacant and call for a special election; or allow for the filling of a vacant council seat by appointment in the event of the involuntary removal of a member whose unexpired term does not exceed 180 days (such appointments are now made only in the event of a vacancy created by death); and provide that no special election could be held on the day before, the day of or the day after a state holiday.

The Committee approved the suggested language change for Section 604 Vacancies of the City Charter, as submitted by the City Attorney:

Section 604 Vacancies (New material underlined)

"Except as otherwise provided herein, in the event of a vacancy in the City Council from whatever cause arising, within thirty days of the commencement of any vacancy, the City Council shall officially declare the seat vacant and call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death or other involuntary removal of a member, where the unexpired term of the deceased or removed member does not exceed one hundred eighty days (180), the City Council shall, within 60 days after such office shall have been declared vacant, fill such vacancy by the appointment. Should the Council fail to fill the vacancy within the 60-day period, it shall treat such vacancy in the same manner as one created by a cause other than death or involuntary removal.

Any special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist except that no election shall be held on the day before, day of, or day after a state holiday."

Committee Vote: Yes - 15  
No - 0

**QUESTION #15**

**How much is to be deducted from the salary of a Councilmember who takes a voluntary leave of absence?**

ANSWER:

The dollar amount deducted from the salary of a Councilmember who takes a voluntary leave of absence should be changed from \$25.00 per meeting to 5% of a month's salary for each meeting missed.

The present \$25.00 penalty for a missed meeting is 5% of a \$500.00 salary. A fixed amount becomes irrelevant as the base salary increases. A penalty based on a percentage of salary retains its impact.

Ad Hoc Charter Review

Councilmembers should be entitled to four personal Council meeting days off per year without penalty, as the Council Members serve the Community without the usual options that citizens have to scheduled personal business and personal recreational time.

No more than two (2) Councilmembers may take personal days off at the same time.

Committee Vote: Yes - 9  
No - 2  
Absent - 2  
Abstaining - 2

### Other Committee Recommendations

- A. The Committee recommends the Council not place the issue of directly elected Mayor on the ballot.

Committee Vote: Yes - 12  
No - 2  
Absent - 1

- B. If an initiative petition measure on directly elected Mayor qualifies for the November ballot, the Council should place a countermeasure on the ballot which helps clarify the issue, such as:

"Should the current system of the Council/Manager form of government in which the Mayor is selected by the City Council remain in place?"

The committee feels the voting public must clearly understand that they are being asked to vote to change the way the City is being run.

Committee Vote: Yes - 9  
No - 3  
Abstention - 2  
Absent - 1

- C. The Committee reaffirms its support of the Council/Manager form of government.

Committee Vote: Yes - 11  
No - 0  
Abstention - 2  
Absent - 2

**COMMITTEE CONCLUSION**

The excellence of this form of government in Sunnyvale is well recognized and is apparent to all. No meaningful reason to change has been presented to the Committee.

CHARTER ISSUES FOR COMMITTEE STUDY AND RECOMMENDATION

The City Council has identified the following issues for study and recommendation by the Ad Hoc Charter Review Committee:

1. Should the Mayor be directly elected by the voters?
2. Should the City Council return to the prior method of selecting a mayor to serve a term of one year?
3. What would be the effect of a directly elected Mayor on the Mayor-Council relationship, on the Council-Manager relationship and on how the City operates?
4. Should rebuttal arguments for and against a directly elected Mayor be included in the election materials sent to voters?
5. Should Councilmembers who run for Mayor vacate their Council seats at the time of declaring for Mayor?
6. Should Councilmembers who run for Mayor declare their intention in ample time to allow potential candidates interested in Council service to qualify for November elections? (How much is "ample time?")
7. Which Council seat should be designated as the Mayor's seat?
8. If approved by the voters, how should the transition to a directly elected mayor occur?
9. What should be the term length for the Mayor and the maximum number of terms an individual could serve as Mayor?
10. What should be the maximum length of time a member could serve continuously on the Council as a Councilmember and Mayor?
11. Should there be "lifetime" limits on total service as Mayor and on the Council (whether continuous or not)?
12. How much time should elapse between the time a Councilmember leaves office and the time he/she can again run for Council?
13. How can it be ensured that members elected to fill unexpired terms will be able to serve the maximum of two full terms as provided by the City Charter should the member choose to run again and is re-elected?
14. How should the City Charter be amended to facilitate Council's ability to determine special election dates to fill Council vacancies that will encourage maximum voter turnout?
15. How much is to be deducted from the salary of a Councilmember who takes a voluntary leave of absence?

### COMMITTEE GUIDELINES

The City Council has established the following operational guidelines for the Ad Hoc Charter Review Committee:

1. The Committee must give priority study time to any issue which the majority of Councilmembers desire be examined.
2. The Committee must take and consider testimony from all Councilmembers, Board and Commission members and all citizens who wish to present their views on the issues.
3. The Committee must hold at least three public hearings in three City parks.
4. The Committee should remain within the scope of its assigned charter review tasks and not review items not specifically identified by members of Council.
5. The Committee must seek and review expert literature and testimony on the subject including organizations who have explored such issues in depth, such as the National Civic League, and those with direct experience on the subject.
6. The Committee must recommend not only specific wording if the matter is placed on the ballot but also whether the matter should be placed on the ballot.
7. No Councilmember may lobby Committee members except at public hearings.
8. Council also adopted a timetable which requires the Committee to have its recommendations ready for Council review by June 28, 1991.

**MEMBERS OF THE AD HOC CHARTER REVIEW COMMITTEE**

On April 9, Council appointed the following Sunnyvale residents to the Ad Hoc Charter Review Committee:

- |                         |                    |
|-------------------------|--------------------|
| 1. Max Anning           | 9. Betty Nelson    |
| 2. Karen Bricker        | 10. Landon Noll    |
| 3. Dorothy Daley-McCrum | 11. Rena Norman    |
| 4. Jim Davis            | 12. Frances Rowe   |
| 5. Patricia Gardner     | 13. Sam Schiavo    |
| 6. John Kapowich        | 14. Tony Spitaleri |
| 7. Marcello Lanfranchi  | 15. Nancy Walker   |
| 8. Chris McComb         |                    |

On April 23, Committee member Marcello Lanfranchi withdrew from the Committee for personal reasons. Since Mr. Lanfranchi had been appointed by Councilmember Hanlon, Mr. Hanlon appointed Mr. Michael Knaebel to fill the vacancy created by Mr. Lanfranchi's unexpected departure.

## MINUTES

### CHARTER REVIEW COMMITTEE

APRIL 15, 1991

The Charter Review Committee of the City of Sunnyvale met at the Sunnyvale Senior Center, 820 W. McKinley Avenue, Room 504 at 7 p.m. The Deputy City Clerk called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Dorothy Daley-McCrum, John Kapowich, Chris McComb, Betty Nelson, Landon Noll, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** Jim Davis, Patricia Gardner, Marcello Lanfranchi and Rena Norman.

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

#### SELECTION OF CHARTER REVIEW COMMITTEE CHAIRPERSON

The following committee members were nominated to serve as 1991 Charter Review Committee Chairperson:

Tony Spitaleri  
Chris McComb

John "Jake" Kapowich  
Jim Davis

Each of the nominees gave a brief overview as to why they were interested in serving as Chairperson.

The vote was taken by secret ballot and Tony Spitaleri was selected as Chairperson.

NELSON moved to delay the selection of the Vice Chairperson to the next scheduled meeting of the committee, seconded by MC COMB and carried unanimously.

#### SETTING THE MEETING PUBLIC MEETING SCHEDULE

The following dates, locations and times were set for meetings to be held at public park sites:

APRIL 29	BRALY PARK	7 P.M.
MAY 2	LAKWOOD PARK	7 P.M.
MAY 8	WASHINGTON PARK	7 P.M.
MAY 13	(ALTERNATE DATE)	

#### DEFINING THE STUDY PROCESS

The members reviewed the issues to be studied (Items 1 - 15).

NOLL moved the committee first address items #12-15 before issues dealing with Directly Elected Mayor, seconded by ROWE and carried with BRICKER, DALEY-MCRUM, NELSON and WALKER dissenting.

#### DESIGNATION OF SUBCOMMITTEE GROUPS

The Committee decided to form subcommittees to address specific issues to be studied as outlined in Proposed Charter Review Study Process.

Group I (Charter Issues 4, 7, 8 & 12)

Karin Bricker  
Chris McComb  
Landon Noll  
Frances Rowe

Group II (Charter Issues 5, 6, 9 & 11)

**Betty Nelson**

Group III (Charter Issues 13, 14 & 15)

**Sam Schlavo  
Tony Spitaleri  
Nancy Walker**

Group IV (Charter Issues 1, 2, 3 & 10)

**Max Anning  
Dorothy Daley-McCrum  
John "Jake" Kapowich**

The Committee members absent at this meeting will be informed of subcommittees in order for additional members to serve.

**SETTING THE CHARTER REVIEW COMMITTEE MEETING SCHEDULE**

The following dates were set for regular scheduled meetings of the committee. The location is to be announced.

<b>APRIL 24</b>	<b>(WEDNESDAY)</b>	<b>7 P.M.</b>
<b>MAY 6</b>	<b>(MONDAY)</b>	<b>7 P.M.</b>
<b>MAY 13</b>	<b>(MONDAY)</b>	<b>7 P.M.</b>
<b>MAY 20</b>	<b>(MONDAY)</b>	<b>7 P.M.</b>
<b>MAY 29</b>	<b>(WEDNESDAY)</b>	<b>7 P.M.</b>

The Chairperson declared a recess at 9 p.m. reconvening at 9:15 p.m. with DAVIS, GARDNER, LANFRANCHI, MC COMB AND NORMAN absent.

FINALIZING THE AGENDA FOR NEXT SCHEDULED MEETING (APRIL 24TH)

The subcommittees will be reporting back on the issues reviewed in their groups.

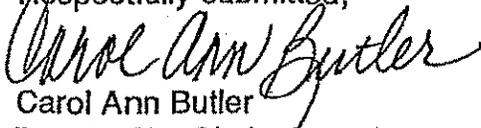
The committee will select a Vice Chairperson.

Public Comment to be held at the beginning of the meeting with a 3-minute time limit for each speaker.

ADJOURNMENT

There being no further business, the Chairperson adjourned the meeting at 10 p.m.

Respectfully submitted,



Carol Ann Butler  
Deputy City Clerk

## MINUTES

### CHARTER REVIEW COMMITTEE

APRIL 24, 1991

The Charter Review Committee of the City of Sunnyvale met at the Sunnyvale Senior Center, 820 W. McKinley Avenue, Room 504 at 7 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Chris McComb, Jim Davis, Patricia Gardner, Betty Nelson, Landon Noll, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** Dorothy Daley-McCrum, Marcello Lanfranchi  
Rena Norman (Arriving at 7:20 p.m.)  
John Kapowich (Arriving at 8:27 p.m.)

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

**ANNOUNCEMENT** Marcello Lanfranchi withdrew from his appointment to the Charter Review Committee. Councilmember Hanlon indicated his replacement appointment to be Mike Knaebel.

#### APPROVAL OF MINUTES (APRIL 15, 1991)

WALKER moved approval of the minutes as amended to reflect that WALKER was absent at 9 p.m., seconded by NOLL and carried with MC CRUM, KAPOWICH and NORMAN absent.

#### SELECTION OF VICE CHAIRPERSON

NELSON moved selection be deferred to the end of the meeting, prior to finalizing the April 29th agenda, seconded by WALKER and carried with NOLL dissenting, MC CRUM, KAPOWICH and NORMAN ABSENT.

## PUBLIC COMMENT

No members of the public were available for comments.

## DEFINING INFORMATION NEEDS

The City Attorney distributed legal background material BRICKER distributed a chart of cities with population figures and notations on appointed versus elected mayors. NOLL presented database search material.

The Committee indicated that additional materials, such as flyers, be distributed at the State of the City, which reflects the issues being reviewed by the Committee and also have this information available in the Sunnyvale Public Library. These will be submitted as handouts at the public meetings.

NELSON moved to provide list of the 15 issues to be studied at the public meetings, seconded by GARDNER and carried with NORMAN and WALKER abstaining and MC CRUM and KAPOWICH absent.

## ADDITION OF COMMITTEE MEMBERS TO STUDY GROUPS

The following members were added to study groups:

GROUP II - Jim Davis and Mike Knaebel

GROUP III - Rena Norman

GROUP IV - Patricia Gardner

The Committee agreed that if there was a low turnout of public testimony that the remaining time of the meeting would be used as a work session.

## GROUP ISSUES TO BE STUDIED

BRICKER reported on issues to be studied by Group I.

- What should be the term length for the Mayor and the maximum number of terms an individual could serve as Mayor?
- What should be the maximum length of time a member could serve continuously on the Council as a Councilmember and Mayor?
- Should there be "lifetime" limits on total service as Mayor and on the Council (whether continuous or not)?
- How much time should elapse between the time a Councilmember leaves office and the time he/she can again run for Council?

BRICKER noted that the public should receive an overview of issues to be studied. There was disagreement on whether to seek additional information from outside the Sunnyvale area. Several questions for communities of a population over 90,000 in regard to term limits.

ROWE submitted statistics received from the County Registrar of Voters regarding voter turnout in Sunnyvale for the election which placed Proposition 130 and 140 on the ballot.

Staff will be providing provisions from charters of cities addressing directly elected Mayors.

NELSON reported on issues to be studied by Group II.

- Should Councilmembers who run for Mayor vacate their Council seats at the time of declaring for Mayor?
- Should Councilmembers who run for Mayor declare their intention in ample time to allow potential candidates interested in Council service to qualify for November elections? (How much is "ample time?")

- Which Council seat should be designated as the Mayor's seat?
- If approved by the voters, how should the transition to a directly elected mayor occur?

NORMAN reported on Issues to be studied by Group III.

- How can it be ensured that members elected to fill unexpired terms will be able to serve the maximum of two full terms as provided by the City Charter should the members choose to run again and is re-elected?
- How should the City Charter be amended to facilitate Council's ability to determine special election dates to fill Council vacancies that will encourage maximum voter turnout?
- How much is to be deducted from the salary of a Councilmember who takes a voluntary leave of absence?

NOLL moved invitation be extended to the City Council to participate in the Charter Review Committee scheduled meeting of May 6th and indicate clarification on questions as well as input, seconded by ANNING and carried with GARDNER abstaining and MC CRUM and KAPOWICH absent.

WALKER moved that Committee receive written information from the Council regarding questions which they submitted, seconded by NOLL and carried with MC COMB abstaining and MC CRUM absent.

Staff provided information regarding City of Sunnyvale employee vacation and leave policies in response to the committee's request.

## SELECTION OF VICE CHAIRPERSON

Members ROWE, MC COMB and NORMAN were nominated to serve as Vice Chairperson. CHRIS MC COMB was appointed by a majority vote.

The Committee agreed to extend the 9 p.m. deadline to hear report from Group IV.

## REPORT FROM GROUP IV ISSUES TO BE STUDIED

KAPOWICH reported on issues to be studied by Group IV.

- Should the Mayor be directly elected by the voters?
- Should the City Council return to the prior method of selecting a mayor to serve a term of one year?
- What would be the effect of a directly elected Mayor on the Mayor-Council relationship, on the Council-Manager relationship and on how the City operates?
- Should rebuttal arguments for and against a directly elected Mayor be included in the election materials sent to voters?

The City Attorney indicated that staff would contact cities regarding questions raised by Group IV and where possible obtain copies of ballot arguments and proposed language.

The City Attorney will also be providing copies of Younger and Steinkamp cases.

## INFORMATION ON PUBLIC MEETINGS

The Committee agreed to a 3-minute deadline for members of the public to speak if there is a crowd. The Chairperson will indicate at the beginning of the public hearing the guidelines and issues to be addressed. The Committee will refrain from debate or voicing opinion related to public input. Minutes will reflect names and addresses of public.

ADJOURNMENT

There being no further business, NELSON moved adjournment, seconded by GARDNER and carried with MC CRUM absent. (9:25 p.m.)

Respectfully submitted,



Carol Ann Butler  
Deputy City Clerk

Valeri J. Armento  
City Attorney



**Charles Wallin**

**536 S. Frances**

Mr. Wallin commented in opposition of Directly Elected Mayor and indicated no advantage to the system. He added that problems would be created by having a Directly Elected Mayor. Additional comments being in favor of rebuttal arguments if placed on the ballot; that Mayor election be considered in November 92 if ballot measure passes; lifetime limit be 8 years and that Councilmembers forfeit pay if absent from any meeting.

**Laura Babcock**

**1513 Norland**

Ms. Babcock commented in opposition of Directly Elected Mayor and indicated that she was in favor of the current system. Additional comments being that the City "keep the power balance in check" and that there be lifetime limits for both Mayor and Council.

**William Walker**

**1446 Kyle Court**

Mr. Walker commented in opposition of Directly Elected Mayor and indicated that there was nothing worthwhile to changing the current system. Additional comments being that Sunnyvale has the best of two worlds and was not in favor of having to go through the Mayor to speak with individual Councilmembers.

**Charles Larsen**

**819 Trenton**

Mr. Larsen commented in opposition of Directly Elected Mayor and indicated that the current system was working well. Additional comments being that a Directly Elected Mayor could possibly promote having a highly paid Vice Mayor. Mr. Larsen also addressed the issue of Special Elections having a low voter turnout and if this were to go to the ballot it should be consolidated with a General Election.

James Pell

245 Lanitos

Mr. Pell commented that the current system was running well and "if it ain't broke, don't fix it."

Roberta Hollimon

Representing Cupertino-  
Sunnyvale League of Women  
Voters

Ms. Hollimon thanked the committee for conducting the public hearings and bringing this issue to the attention of the public.

The public hearing was declared closed at 7:35 p.m.

The Chairperson declared a 5-minute recess at 7:40 p.m. reconvening at 7:45 p.m. with all committee members present.

At this time Chairperson Spitaleri introduced newly appointed committee member Michael Knaebel.

NOLL moved current Charter language be acceptable for unexpired terms.

ANNING moved action and discussion on Issue #13 regarding unexpired terms be tabled, seconded by MC COMB and carried with SCHIAVO and SPITALERI dissenting and MC CRUM absent.

#### SUBCOMMITTEE REPORT SCHEDULE

GARDNER moved Group III recommendations be reported at the May 3 meeting after the public hearing, seconded by WALKER and carried with DAVIS and NOLL dissenting and MC CRUM absent.

The committee agreed that if time allowed they would break into their subcommittees after the public hearings.

ADJOURNMENT

There being no further business, the Chairperson declared the meeting adjourned at 8:45 p.m.

Respectfully submitted,



Carol Ann Butler  
Deputy City Clerk

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**MAY 2, 1991**

The Charter Review Committee of the City of Sunnyvale met at Lakewood Park, 834 Lakechime Avenue, at 7:05 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Chris McComb, Jim Davis, Patricia Gardner, John Kapowich, Michael Knaebel, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Rena Norman, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

Chairperson Spitaleri announced to members of the public specific tasks which were assigned to the Charter Review Committee.

The public hearing was declared opened at 7:20 p.m.

Appearances:

Mark Hanlon                      Sunnyvale City Councilmember

Councilmember Hanlon addressed the following points:

- o that the committee stay open-minded, hear both sides and play devil's advocate;
- o to consider the fact that the committee is looking at a possible change of the form of government;
- o to consider the Seat that would become the Mayor's;
- o concern on Council salary regarding deduction of compensation for absence at meetings

**Joe Trudel**

**1220 Tasman**

Mr. Trudel commented in favor of a Directly Elected Mayor. He questioned the criteria currently used by Council for appointing a Mayor and noted that the majority of the citizens do not know how the Mayor is selected. He added that the public should have their opportunity and "say" in electing the Mayor.

**Don Woodard**

**1111 Morse**

Mr. Woodard commented in opposition of a Directly Elected Mayor. He noted that there is more politics involved with a Mayor running separately. Additional comments addressed the issue of expense by having a Directly Elected Mayor.

**Paul Schaefer**

**835 Lakechime Drive**

Mr. Schaefer commented strongly in favor of a Directly Elected Mayor.

**Bob Gonzales, Sr.**

**725 San Ramon**

Mr. Gonzales commented in favor of a Directly Elected Mayor. Mr. Gonzales indicated that the Council is weak in regional areas because there is no identifiable leadership and this results in loss of revenue. Additional comments addressed that Sunnyvale is falling behind in leadership; need for a serious 4 year timeframe for Mayor; future regional representation would be an advantage with Directly Elected Mayor.

**Bill Kohrt**

**1113 Fairwood**

Mr. Kohrt commented in favor of a Directly Elected Mayor. He also indicated that a seat not be designated but that a seat be added to serve as Mayor. Mr. Kohrt noted that recall methods should be re-established.

Councilmember Hanlon continued public testimony at this time and commented on current petition being circulated in the City on the Directly Elected Mayor issue.

Staff indicated that a Notice of Intent to Circulate a Petition had been filed in the City Clerk's Office with language of proposed Directly Elected Mayor ballot measure.

**Barbara Waldman                  Sunnyvale City Councilmember**

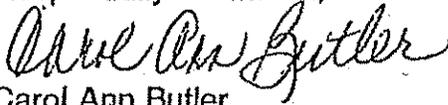
Councilmember Waldman indicated that she felt the Mayor does not have any more effectiveness in regional bodies than each individual Councilmember. She added that each Councilmember leads on specific issues dealing with the City by serving on intergovernmental bodies.

The public hearing was declared closed at 8:35 p.m.

**ADJOURNMENT**

There being no further business, the Chairperson declared the meeting adjourned at 8:40 p.m.

Respectfully submitted,

  
Carol Ann Butler  
Deputy City Clerk

MINUTES

CHARTER REVIEW COMMITTEE

MAY 6, 1991

The Charter Review Committee of the City of Sunnyvale met at Sunnyvale Senior Center, 820 W. McKinley Avenue, Room 504 at 7:05 p.m. Vice-Chairperson McComb called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Chris McComb, John Kapowich, Michael Knaebel, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Rena Norman, Frances Rowe, Sam Schiavo and Nancy Walker.

**MEMBERS ABSENT:** Tony Spitaleri (Arriving at 7:33 p.m.)  
Jim Davis (Arriving at 7:35 p.m.)  
Patricia Gardner

**ALSO PRESENT:** Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

APPROVAL OF MINUTES (APRIL 29, 1991 & MAY 2, 1991)

WALKER moved approval of minutes as submitted, seconded by KAPOWICH and carried with DAVIS, GARDNER and SPITALERI absent.

COUNCILMEMBER COMMENTS

7:15 P.M.

Councilmember Barbara Waldman commented on following concerns:

- reviewed positives of the current system for the selection of Councilmembers and Mayor;
- each Councilmember has same rights and obligations;

4/29/91

5/6/91

(WALDMAN - CONT'D.)

- a Directly Elected Mayor would have an effect on the system by having another level of bureaucracy;
- a Directly Elected Mayor would present a financial burden on the City due to additional staff for the Mayor;
- this is not the time to change the system or the direction of the City - there are more important issues to be dealt with in the City;
- a Directly Elected Mayor is perceived as a major policymaker (i.e., City of San Jose);
- the Mayor has the power to make appointments of Councilmembers to intergovernmental bodies; if certain Councilmembers aren't appointed to specific boards they would be unable to implement special programs;
- doesn't feel Council should run for a "safe seat", however feels that a Councilmember should give up that specific seat if they declare to run for Directly Elected Mayor;
- firmly supports two term limit;
- strongly encouraged Charter Review Committee to think this issue through - there is no "rush" to have a Directly Elected Mayor;
- opposes Mayor serving 4 years - dynamics of the Council change severely;
- prefers method of Mayor serving 1 year because it preserves integrity and balances the power;
- indicated that other issues are non-relevant if the Committee cannot make a clear and decisive decision on whether to have a Directly Elected Mayor.

At this time Chairperson Spitaleri presided (8:00 p.m.).

8 P.M.

Vice Mayor Castillo commented on following concerns:

- as a former Charter Review Committee member (1981) she is committed to the tasks and charges of the Committee;
- concern that "something" does go on the ballot as this issue has come up several times in the past;
- Issue needs to be addressed by the Sunnyvale community;
- strong concern of the possibility that a Directly Elected Mayor would change the balance of power;
- indicated that larger cities having Directly Elected Mayors have power structure changes;
- addressed Committee taking a strong look at appropriate "sick leave and vacation leave" for Council; possibly a similar policy as the employees;
- indicated that the public feels the Mayor has more power; concern of awareness procedure to educate;
- believes in "lifetime" prohibition;
- Councilmembers should declare vacancy and declare running for Mayor at least 6 months prior; wouldn't want to have seat be vacant; doesn't believe in "safe seat";
- urged that Committee have language to go forth on the ballot;
- suggested looking at a total of 12 years to serve rather than two term limit.

The Chairperson declared a 5-minute recess at 8:55 p.m. reconvening at 9 p.m. with GARDNER absent.

ADDITIONAL MATERIAL FROM STAFF

MC CRUM requested copies of the petition language filed with the City Clerk.

OTHER ITEMS

Chairperson SPITALERI commented that Group III had distributed copies of their report to the Committee for comments at the May 6th meeting. He also asked that the Committee members consider appointment of Final Report Preparation Subcommittee at the May 6th meeting.

ADJOURNMENT

There being no further business, the Chairperson declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,

  
Carol Ann Butler  
Deputy City Clerk

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**MAY 8, 1991**

The Charter Review Committee of the City of Sunnyvale met at Sunnyvale Senior Center, 820 W. McKinley Avenue, Room 504 at 7:05 p.m. Vice-Chairperson McComb called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Chris McComb, John Kapowich, Dorothy Daley-McCrum, Betty Nelson, Landon Noll; Frances Rowe, Sam Schiavo and Nancy Walker.

**MEMBERS ABSENT:** Michael Knaebel  
Rena Norman  
Tony Spitaleri  
Patricia Gardner (Excused at 8:00 p.m.)

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

Vice Chairperson McComb announced to members of the public specific tasks which were assigned to the Charter Review Committee.

**APPROVAL OF MINUTES (MAY 2, 1991)**

WALKER moved approval of minutes as submitted, seconded by MC CRUM and carried with KNAEBEL, NORMAN and SPITALERI absent.

**PUBLIC HEARING**

The public hearing was declared opened at 7:10 p.m.

**Appearances:**

**Cesar Perez            1585 Klamath Drive**

Mr. Perez commented on his years as a resident of the City and how he has witnessed the political climate as open, conscientious, and concerned about the "Quality of Life.

Mr. Perez recommended that the Committee consider reverting back to the system of electing the Mayor on a yearly basis by a Council majority vote. He is opposed to the issue of Directly Elected Mayor.

**Bob Reese            933 Arlington Court  
                             Former City Councilmember**

Mr. Reese addressed his past position in 1982 as being opposed to the issue of a Directly Elected Mayor with the exception of district elections. He noted that an important issue to address is that of letting the voters have the opportunity to elect a Directly Elected Mayor. He added that the Committee should work with the Council in presenting some language to the voters. Mr. Reese stated that currently there is no criteria for the selection of the Mayor and the Committee should make sure what the duties of Mayor would involve. He encouraged the Committee to take the "long view" and exercise maximum independence in their involvement in the issue.

**Gloria Maris            1562 Lewiston**

Mrs. Maris opposes issue of Directly Elected Mayor and commented that contacting the Mayor vs. Councilmembers is difficult.

**Edith Clarke      1234 Heatherstone**

Mr. Clarke opposes issue of Directly Elected Mayor.

**John Ewert      662 Cascade**

Mr. Ewert that a change of the current system of selecting a Mayor would be counter productive.

**Rosemary Twu      Sunnyvale resident**

Ms. Twu opposes issue of Directly Elected Mayor.

**Gary Guiffre      888 Hollenbeck**

Mr. Guiffre opposes issue of Directly Elected Mayor and commented on there being no need to separate election of Mayor and Councilmember.

**Tom Boyd      815 Groton**

Mr. Boyd supports the current system for selection of Mayor and sees no reason for a Directly Elected Mayor. He feels the initiative process is worthwhile, however, if enough voters sign a petition then it should go on the ballot.

**Melinda Cable      890 Hollenbeck**

Ms. Cable supports current system for selection of Mayor. She indicated that Councilmembers are accessible to the public and if there were a Directly Elected Mayor that this would distort the process. She prefers the 2 year term for Mayor.

**John Miller**            **887 Russett Drive**

Mr. Miller opposes issue of a Directly Elected Mayor and commented that the City is run by the City Manager. He added that the Councilmembers are policymakers.

**Marta Dias**            **1466 Hollenbeck**

Ms. Dias opposes issue of a Directly Elected Mayor, however, indicated that if enough people wanted this system that they should have the right to vote.

**Ken Bruce**            **1429 Kyle Court**

Mr. Bruce opposes issue of a Directly Elected Mayor and favors allowing rebuttals.

**Joanne Barr**            **890 Russett Drive**

Ms. Barr supports current system for selecting a Mayor and supports 2 year term for Mayor.

**Sara Cordell**            **940 Redwood**

Ms. Cordell supports term limits and campaign spending limits. She commented on possible 12 year maximum for Councilmember terms.

**Linda Davis**            **1575 Tenaka Place**

Ms. Davis opposes rotation method for selection of Mayor. She is a strong advocate for experience before running for an elected position.

**Peggy Ewert**            **662 Cascade**

Ms. Ewert opposes issue of Directly Elected Mayor and favors 8 - 10 years maximum terms.

**Ann Hines**            **1167 Plum Avenue**

Ms. Hines favors the current system for selection of Mayor and is reluctant to tamper with this system. She commented on the strong relationship that has existed in the past with the Council and City Manager.

**Bill Perry**            **1134 Rockefeller Avenue**

Mr. Perry sees no need for a change in the current system and favors a 2 year term for Mayor.

**Serge Rudaz**        **1575 Tenaka Place**

**Charles Wallin**     **575 S. Frances Avenue**

Mr. Wallin supports current system for selection of Mayor.

**Judy Pell**            **245 Remington**

Ms. Pell supports current system for selection of Mayor and questioned Committee's schedule for recommendations to Council on Directly Elected Mayor issue.

**Norma Card**         **838 Cathedral Drive**

Ms. Card supports current system for selection of Mayor.

The public hearing was declared closed at 9:10 p.m.

OTHER ITEMS

MC CRUM read a letter submitted from Lynn Briody, former Sunnyvale Mayor and Councilmember. The letter was received as record.

NOLL moved meetings be scheduled for June 3, 5 & 10, seconded by ROWE and carried with GARDNER, KNAEBEL, NORMAN and SPITALERI absent.

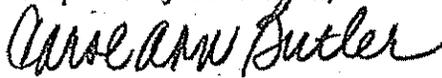
SUBCOMMITTEE REPORTS

Group I	May 29
Group II	May 20
Group III	May 13
Group IV	June 3

ADJOURNMENT

There being no further business, the Chairperson declared the meeting adjourned at 9:40 p.m.

Respectfully submitted,



Carol Ann Butler  
Deputy City Clerk

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**MAY 20, 1991**

The Charter Review Committee of the City of Sunnyvale met in the West Conference Room, City Hall, 456 W. Olive Avenue at 7:00 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Chris McComb, Patricia Gardner, John Kapowich, Michael Knaebel, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Rena Norman, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** Jim Davis (Arriving at 7:33 p.m.)  
Karin Bricker

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

**REMARKS - SANTA CLARA COUNTY SUPERVISOR DIANNE MCKENNA**

Supervisor McKenna asked each member of the Committee to indicate which Councilmember had appointed them and also current and previous committees in which they were involved.

Supervisor McKenna shared her thoughts on the Directly Elected Mayor Issue and asked the committee to consider the following:

- is there a need or a reason for a change?
- if there isn't a need would a change improve it?
- is there a problem with the current Council-Manager form of government?
- how does the Directly Elected Mayor issue fit into a working relationship with Council?
- who benefits if you do change it?

Supervisor McKenna also indicated the following potentials of a Directly Elected Mayor:

- possible conflicts with City Council
- additional costs to the community
- a shift from current type of government

Supervisor McKenna stated that at this time she had no opinion on the issue of "lifetime limits". She advised the committee to work with the City Attorney on questions they might have which deals with either support or opposition.

On conclusion, Supervisor McKenna encouraged committee members to view these issues as to whether they would firmly support them if they were placed on the ballot.

#### REMARKS - COUNCILMEMBER LAWRENCE E. STONE

James Webb, Administrative Assistant, indicated that Councilmember Stone was unable to attend this meeting and requested that he address the committee at the June 3rd meeting.

The committee indicated that the timeframe for final recommendations was nearing and that May 29th would be a more appropriate time for Councilmembers Stone and Kawczynski to make their presentations.

The committee also added that if Councilmember Stone was unable to attend on May 29th that he submit his comments in writing to the committee.

#### APPROVAL OF MINUTES (MAY 13, 1991)

GARDNER moved approval of minutes as submitted, seconded by WALKER and carried with DAVIS and BRICKER absent.

#### CHARTER ISSUE QUESTION 13 - LANGUAGE FROM CITY ATTORNEY

ANNING moved to continue the committee's recommendation to response of Question #13 to the meeting of May 29th, seconded by NOLL and carried with GARDNER and MC COMB dissenting and SCHIAVO abstaining with BRICKER absent.

#### SUBCOMMITTEE REPORT AND COMMITTEE DISCUSSION

NELSON, KNAEBEL and DAVIS, members of Group II reported on individual research. As a group they requested a one week continuance for their written responses to the committee.

#### OTHER BUSINESS

NORMAN moved 15 minute time limit for Councilmembers testimony at the May 29th meeting, seconded by MC COMB and carried with MC CRUM, NELSON and NOLL dissenting.

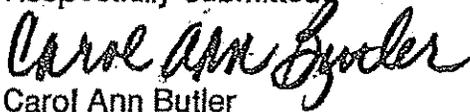
MC COMB noted that it was disappointing for the committee not to have the advantage of hearing Councilmember Stone's testimony at the May 20th meeting. He noted that it was unfortunate that Councilmember Stone didn't take advantage of the opportunity to speak to the committee.

MC COMB distributed comments from Subcommittee I for the committee to review prior to the May 29th meeting.

**ADJOURNMENT**

There being no further business, the Chairperson declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,



Carol Ann Butler  
Deputy City Clerk

**FUTURE SCHEDULED CHARTER REVIEW COMMITTEE MEETINGS**

MAY 29, 1991	SENIOR CENTER, ROOM 504 - 7 P.M.
JUNE 3, 1991	SENIOR CENTER, ROOM 504 - 7 P.M.
JUNE 5, 1991	SENIOR CENTER, ROOM 504 - 7 P.M.
JUNE 10, 1991	WEST CONFERENCE ROOM, CITY HALL - 7 P.M.

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**MAY 29, 1991**

The Charter Review Committee of the City of Sunnyvale met in the Senior Center, Room 504 at 7:10 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Chris McComb, Karin Bricker, John "Jake" Kapowich, Michael Knaebel, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** Rena Norman (Arriving at 7:11 p.m.)  
Jim Davis (Arriving at 7:31 p.m.)  
Patricia Davis (Arriving at 7:32 p.m.)

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

**OLD BUSINESS**

Jim Webb, Administrative Assistant/Office of the City Manager, indicated that Councilmember Stone had requested additional time to present testimony at the June 3rd Charter Review Committee meeting.

SPITALERI moved to proceed with testimony as agreed to by the committee by upholding the 15 minute time limit, seconded by ROWE and carried with BRICKER and MC COMB dissenting and DAVIS and GARDNER absent.

### PRESENTATION BY COUNCILMEMBER KAWCZYNSKI

Councilmember Kawczynski stated that he believes the system should remain as is in the selection of the Mayor, but thinks the matter should be placed on the ballot as a counter measure. He indicated that he is in favor of (lifetime) limits.

### PRESENTATION BY COUNCILMEMBER PARKER

Councilmember Parker commented on focus of leadership and suggested the Committee consider structure models, i.e. Council-Manager System and Mayor-Council System. She also addressed Sunnyvale strengths with respect to the current system of Mayor.

Councilmember Parker believes in lifetime limits because it increases the number of people who can get involved, however, she indicated preference of one year for the term of Mayor.

### OTHER BUSINESS

BRICKER moved reconsideration of motion regarding 15-minute time limit for Councilmember Stone, seconded by GARDNER and failed with ANNING, DALY-MC CRUM, DAVIS, KAPOWICH, NOLL, NORMAN, ROWE, SCHIAVO, SPITALERI and WALKER dissenting and NELSON abstaining.

The City Attorney provided drafted language requested from earlier meeting regarding Question #13.

GARDNER moved approval of language as submitted by the City Attorney, seconded by NOLL and carried unanimously.

### SUBCOMMITTEE II REPORT

KNAEBEL presented discussion on issues considered by Subcommittee II.

DAVIS moved to adjust Option #1 for Question #6 to reflect a change of 180 days, i.e. incumbent declare Intent to run by first Monday in March, seconded by ROWE.

No vote taken at this time.

MC COMB moved amendment to declare intent to run by the first Monday in May, seconded by DAVIS and carried with NELSON and ROWE abstaining.

DAVIS moved recommendation of Question #5 be accepted, seconded by NELSON and carried with GARDNER dissenting.

GARDNER moved recommendation of Question #7 be accepted, seconded by DALY-MC CRUM and carried unanimously.

DAVIS moved recommendation of Question #8 be accepted, seconded by DALY-MC CRUM and carried unanimously.

### SUBCOMMITTEE I

Subcommittee I submitted report and recommendations to the committee.

NOLL moved acceptance of 4 year term for directly elected Mayor (Question #9), seconded by MC COMB and carried with MC CRUM abstaining.

GARDNER moved that if elected to a 4 year term as Mayor that he/she may be eligible to run for a second consecutive term, seconded by MC COMB.

No vote taken on this motion and tabled.

GARDNER was excused at 9:04 p.m.

ADJOURNMENT There being no further business, the Chairperson declared the meeting adjourned at 9:12 p.m.

Respectfully,

Carol Ann Butler  
Deputy City Clerk

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**JUNE 3, 1991**

The Charter Review Committee of the City of Sunnyvale met in the Senior Center, Room 504 at 7:05 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Jim Davis, Patricia Gardner, John "Jake" Kapowich, Michael Knaebel, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Rena Norman, Frances Rowe, Sam Schiavo, Tony Spitaleri and Nancy Walker.

**MEMBERS ABSENT:** Chris McComb

**ALSO PRESENT:** Valerie J. Armento, City Attorney  
Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

**PUBLIC COMMENTS**

Cesar Perez, 1585 Klamath, commented on lifetime limits and being in favor of an 8 year limit. He outlined previous comments from the public in opposition of a Directly Elected Mayor. He reviewed history of the issue as heard in 1982 by the Charter Review Committee. He encouraged the Committee to consider what is best for the community.

Charles Wallin, 536 S. Frances, commented on the majority of people who have expressed their concerns of opposition to changes. He indicated strong favor of the existing system of the Mayor Selection.

Ray Johnson, 495 S. Taaffe, commented on being in opposition to a Directly Elected Mayor and support of continuing with the present system.

### SUBCOMMITTEE REPORTS AND COMMITTEE DISCUSSION

Chairperson Spitaleri requested the City Attorney to review the legality of lifetime limits.

#### QUESTION #11

Should there be "lifetime" limits on total service as Mayor and on the Council (whether continuous or not)?

DAVIS moved recommendation to Council for lifetime limit to City Council service as Mayor or Councilmember, seconded by NOLL and carried with NELSON, BRICKER, GARDNER, KNAEBEL and DALY-MC CRUM dissenting and MC COMB absent.

#### QUESTION #10

What should be the maximum length of time a member could serve continuously on the Council as a Councilmember and Mayor?

DAVIS moved recommendation of 12 year lifetime limit to apply to any time serviced as Mayor and/or Councilmember, seconded by NORMAN and failed with NELSON, BRICKER, GARDNER, KNAEBEL, SCHIAVO, KAPOWICH, ANNING, WALKER, DALY-MC CRUM, ROWE, and SPITALERI dissenting and MC COMB absent.

NOLL moved adoption of Item A - "8 year style lifetime limit" with the term limit applying to any time served as Mayor or as a Councilmember, seconded by ROWE and failed with NELSON, BRICKER, DAVIS, GARDNER, KNAEBEL, NORMAN, DALY-MC CRUM and SPITALERI dissenting and MC COMB absent.

NOLL moved adoption of Item C - "8 years on, 8 years off style consecutive limit" with the term limit applying to any time served as Mayor or Councilmember, seconded by WALKER and failed with MC COMB absent.

DAVIS moved approval of 8 year consecutive term for Councilmember and 8 year consecutive term for Directly Elected Mayor with a 16 year lifetime limit, seconded by ANNING.

ANNING moved that the motion be tabled, seconded by WALKER and failed with NELSON, BRICKER, DAVIS, GARDNER, KNAEBEL, SCHAIVO, NORMAN, DALY-MC CRUM dissenting and MC COMB absent.

Chairperson Spitaleri declared a recess at 8:43 p.m. reconvening at 8:54 p.m. with MC COMB absent.

NELSON moved to table term limits and allow the committee to think through the parameters of Question #1 on recommendation of a Directly Elected Mayor, seconded by WALKER and carried with BRICKER and GARDNER dissenting and KNAEBEL and MC COMB absent.

#### SUBCOMMITTEE IV

At this time Jake Kapowich reported for Subcommittee IV on Question #1 dealing with "Should the Mayor be directly elected by the voters?"

#### Recommendation

No.

- 1) There are no major problems in the city to create a reason for change.
- 2) This city is powerfully successful in its influence in the county and, in the State and Nation. Sunnyvale is nationally known for its excellence in the Council/Manager system of its government.
- 3) The city's performance-based budgeting technique was introduced in the U.S. Congress as a bill in early 1991. The merits of this method were recognized by the City Councilmembers and Ok'd its implementation, demonstrating the effectiveness of the Council/Manager system.

- 4) Sunnyvale has a "we" form of government instead of an "I" format, which includes the City Council Administration listening to the citizens ideas and opinions and taking action on them.
- 5) The City Council Members are directly voted into office by the people. Therefore, the Council Elected Mayor is a Directly Elected Mayor.

#### QUESTION #1

Should the Mayor be directly elected by the voters:

NOLL moved response to Question #1 be "No", seconded by DAVIS and carried with BRICKER and GARDNER dissenting and MC COMB absent.

WALKER moved recommendation to Council not to place the issue of a directly elected mayor on the ballot, seconded by SCHAIVO and carried with BRICKER and GARDNER dissenting and MC COMB absent.

WALKER moved recommendation to Council that if initiative qualifies for the ballot that the Council devise a counter measure based on recommendations of the Charter Review Committee report, seconded by NOLL and carried with BRICKER, ANNING and DALY MC-CRUM dissenting, GARDNER and KNAEBEL abstaining and MC COMB absent.

#### OTHER BUSINESS

Subcommittee IV will continue report at the June 5th meeting.

#### ADJOURNMENT

There being no further business, the Chairperson declared the meeting adjourned at 9:45 p.m.

Respectfully,

Carol Ann Butler  
Deputy City Clerk

**MINUTES**

**CHARTER REVIEW COMMITTEE**

**JUNE 5, 1991**

The Charter Review Committee of the City of Sunnyvale met in the Senior Center, Room 504 at 7:05 p.m. Chairperson Spitaleri called the meeting to order with the following roll call vote:

**MEMBERS PRESENT:** Max Anning, Karin Bricker, Patricia Gardner, John "Jake" Kapowich, Michael Knaebel, Chris McComb, Dorothy Daley-McCrum, Betty Nelson, Landon Noll, Rena Norman, Frances Rowe, Sam Schiavo and Tony Spitaleri

**MEMBERS ABSENT:** Jim Davis  
Nancy Walker

**ALSO PRESENT:** Valerie J. Armento; City Attorney  
Carol Ann Butler, Deputy City Clerk  
James Webb, Jr., Administrative Ass't./Office of the City Mgr.

**APPROVAL OF MINUTES**

DALEY-MC CRUM moved approval of May 29, 1991 minutes as corrected, seconded by ANNING and carried with DAVIS and WALKER absent.

GARDNER moved approval of June 3, 1991 minutes as corrected, seconded by BRICKER and carried with MC COMB abstaining, DAVIS and WALKER absent.

**SUBCOMMITTEE IV**

**QUESTION #2**

Should the City Council return to the prior method of selecting a Mayor to serve a term of one year?

GARDNER moved to recommend continuance of current system for selection of Mayor - 2 year term, seconded by KNAEBEL and carried with NOLL dissenting, DAVIS and WALKER absent.

**QUESTION #3**

What would be the effect of a directly elected Mayor on the Mayor-Council relationship, on the Council-Manager relationship and on how the City operates?

**Recommendation**

Text A: Research indicates that the Directly Elected Mayor tends to seek more "power" in the office, which could lead to serious conflicts within the City Council and destroy the excellent unified relationship.

Whether political clout is necessary for a Sunnyvale Mayor is doubtful. The City operations in a very successful manner, with its Council/Manager type of government.

Text B: It could threaten the excellent Council/Manager relationship as it now exists. A relationship that produced Sunnyvale's very effective performance-based budget, which Congress itself is now considering with the direct advice of our City Manager and a former Council-elected Mayor.

ANNING moved recommendation of Text A and B as submitted by Subcommittee IV, seconded by DALEY-MC CRUM and carried with MC COMB abstaining.

NOLL moved that Committee reaffirm the current Council-Manager form of government, seconded by ANNING and carried with GARDNER and KNAEBEL dissenting, DAVIS and WALKER absent.

**QUESTION #4**

Should rebuttal arguments for and against a directly elected Mayor be included in the election materials sent to voters?

GARDNER moved rebuttal arguments for and against a directly elected Mayor be included in election materials sent to the voters, seconded by ANNING and carried with DAVIS and WALKER absent.

**SUBCOMMITTEE I**

**QUESTION #11**

Should there be "lifetime" limits on total service as Mayor and on the Council (whether continuous or not)?

ANNING moved reconsideration of the previous vote taken on Question #11, seconded by DALEY-MC CRUM and carried with NOLL and SCHIAVO dissenting.

GARDNER moved not to accept lifetime limits, seconded by DALEY-MC CRUM and carried with NOLL and SCHIAVO dissenting, DAVIS and WALKER absent.

**QUESTION #10**

What should be the term length for the Mayor and the maximum number of terms an individual could service as Mayor?

**QUESTION #12**

How much time should elapse between the time a Councilmember leaves office and the time he/she can again run for Council?

NOLL moved approval of Subcommittee I, Option C: 8 years on, 8 years off style consecutive limit; if one has served 6 or more out of the past 8 years, one must wait a minimum of 8 years before being appointed, or elected to office. The term limit should apply to any time served as Mayor or as Councilmember, seconded by ROWE.

DALEY-MC CRUM moved amendment to approve 8 years on and 4 years off for the office as Councilmember, seconded by KNAEBEL and carried with ANNING, NOLL, NELSON, BRICKER, GARDNER dissenting, DAVIS and WALKER absent.

MC COMB moved approval of a consecutive term limit of 2 full terms as Councilmember followed by 2 full terms as Mayor with a wait of 4 years to run for either Mayor or Councilmember.

The motion died for lack of second.

BRICKER moved approval of 8 years to serve as Mayor and 8 years to serve as Councilmember - maximum length of continuous service.

The motion died for lack of second.

KNAEBEL moved recommended in the case of a directly elected Mayor that a maximum continuous length of service as Councilmember and Mayor be 3 full terms and that only 2 full terms be served as either Mayor or Councilmember, seconded by SPITALERI and carried with ANNING, BRICKER, GARDNER, NELSON dissenting, MC CRUM and NORMAN abstaining, DAVIS and WALKER absent.

ADJOURNMENT

There being no further business, the Chairperson declared the meeting adjourned at 9 p.m.

SCHEDULED WRITING COMMITTEE MEETINGS

JUNE 7 - JUNE 12 - JUNE 18

FINAL COMMITTEE MEETING FOR REPORT APPROVAL

JUNE 25

Respectfully,

Carol Ann Butler  
Deputy City Clerk

Carol Butler  
City Clerk  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, California 94088-3707

June 22, 1991

Carol, as mentioned in our phone conversation Friday, I remember voting against the answer to Question #3. The vote appears in the minutes of the June 5th meeting of the Charter Review Committee on page 2 and refers to text sections A and B. I remember expressing concern about statements like "research shows" when no research is shown. Thank you for correcting the minutes.

Sincerely,

*Karin Bricker*

Karin Bricker

**ATTACHMENT B**

CITY OF SUNNYVALE

CALIFORNIA

February 8, 1991

TO: City Clerk  
FROM: City Attorney  
SUBJ: Initiative Proposal By Larry Stone

Pursuant to Elections Code Sections 4081 and 4002.5 I am providing you with a ballot title and summary for the above-captioned initiative.

Title for Initiative Proposal

An initiative measure to revise the Charter of the City of Sunnyvale to provide that, commencing June 1992, the City Council shall consist of six Councilmembers and a Mayor and that the office of Mayor shall be an elective office with a separate four year term and a two consecutive term limitation, and that if a Councilmember or the Mayor does not attend all meetings or study sessions held during a given month, that his/her salary for the month shall be reduced by \$150.00 for each absence, unless the absence is due to official duty.

The summary is attached.

  
Valerie J. Armento  
City Attorney

VJA:ff  
Attach.  
cc: Deputy City Clerk

## City Attorney's Summary of Initiative Proposal

This initiative comprehensively changes the Charter of the City of Sunnyvale to establish an elected Mayor. There would not be a change in the Mayor's powers or functions, but the Mayor would no longer be selected from among the Council's members by Councilmembers.

Charter Section 600 now establishes a Council composed of seven members. Passage of the initiative would change the composition of the Council to six Councilmembers and a Mayor.

Charter Section 601 currently provides that: Councilmembers are elected at large for four year terms, each office is a separate elective office, no person shall be a candidate for more than one elective office, no incumbent shall be a candidate for a seat other than the one they hold, there are seven designated seats, and there is a limit of two successive four year terms. Under the proposal, a Special Election would be held in June 1992 to elect a Mayor whose initial term would end with the General Election in November 1993; thereafter the Mayor's term would be four years. The office of Mayor would be a separate office. No person could hold more than one elective office. An incumbent Councilmember could be a candidate for Mayor. Council seats are redesignated to create a Mayor's seat. The Mayor's seat and two Council seats would be for four year terms commencing with the General Election in 1993. Four Council seats would be on a four year cycle commencing with the

General Election in 1991.

Charter Section 602 presently requires candidates to be registered voters. The initiative transfers this requirement to Section 601 and transfers from Section 601 to this section term limitation provisions. An individual would be allowed to serve two consecutive terms as a Councilmember and two consecutive terms as Mayor. No person who has served as the elective Mayor can be a candidate for the office of Councilmember without stepping down from the Council for at least two years.

Charter Section 603 pertaining to compensation would raise from \$25.00 to \$150.00 the amount deducted from the Councilmember's or Mayor's monthly salary for meeting absences not related to official business.

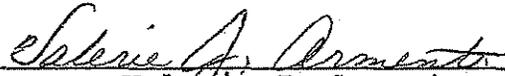
Charter Section 604 deals with vacancies. It is expanded to address the issue of a vacancy in the office of Mayor.

Charter Section 605 presently provides the Council selects one member to preside for two years. The initiative replaces this section with an elected Mayor. Either way the Mayor is the presiding officer, has a voice and a vote in all proceedings, is the official head of the City for all ceremonial purposes and performs duties consistent with the Charter and the office.

Charter Section 606 relating to the position of Vice-Mayor continues to provide that the Vice-Mayor performs the duties of the Mayor during the Mayor's absence or disability. Charter Section 1800 is a definitional section.

A "yes" vote will make the Charter changes described above establishing a directly elected Mayor.

A "no" vote will retain the existing Charter language and appointive Mayor system.



---

Valerie J. Armento  
City Attorney

**ATTACHMENT C**



Over a  
Century of  
Community  
Building

## National Civic League

[ABOUT US](#) | [PROGRAMS](#) | [WEB SITE](#)

New Politics Program Links: [Home](#) · [Information](#) · [Projects](#) · [Publications](#) · [Media](#)

### Model City Charter Revision Project - Eighth Edition

#### Option Memo

**Issue:** Election of Mayor By and From Council vs. Direct Election At-Large of Mayor

**Seventh Edition:** Sec. 2.03 of the 7th Edition of the Model City Charter contains two alternatives for the election of the mayor. Alternative I states "at each regular election a mayor shall be elected for a term of \_\_\_\_ [the same terms as other council members] years." Alternative II provides that "the city council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of council." The Commentary on sec. 2.03 says the model expresses no preference between the two alternatives: "The Model provides two alternative methods for electing the mayor. Which one is used will depend on local preference and tradition." The lack of preference between the two methods marked a change from the 6th edition, which recommended that the council choose the mayor, while presenting the direct election at-large form as an alternative.

The Commentary on sec. 2.03 goes on to discuss the pros and cons of each alternative. With respect to the direct election form, it says "more than half of the cities operating with the council-manager form use the direct election alternative (Alternative I). In many cities, particularly the larger ones, it is believed that this method increases the potential for mayoral leadership by giving the mayor a city-wide popular support base. This is particularly important when all or most of the council members are elected from districts. A disadvantage of this method is the possibility that the mayor will be at variance with the council majority on some important issues."

In reference to council-chosen mayor, the Commentary says "in many other cities it is felt that local policy leadership can best function through a cohesive team of council members which chooses its leaders as mayor. In those cities, Alternative II, election of the mayor by and from the council, is used and the possibility of conflict between the mayor and the council majority is avoided. However, cities using this method should avoid particular practices which diminish the prospect of effective leadership. For example, rotation of the office of mayor among members may preclude the emergence of a respected leader who will be able to acquire experience and increase his or her competence in the exercise of leadership skills. It may result in the reality that the true leader of the council is not the mayor, a situation which may wrongly be interpreted as one of inside dealing and secret manipulation. An awkward alternative is to automatically designate the mayor as the council member who receives the largest number of votes. In councils elected from districts, council selection of the mayor presents the mayor with conflicting roles - district and citywide."

**Analysis of Commentary:** The arguments set forth in the commentary may be refined along the following lines:

With respect to the direct election form, more than half of the cities

operating with the council-manager form use the direct election alternative (Alternative I). This method focuses attention on a city-wide choice between alternative policy approaches for the city that tend to be obscured across multiple at-large and/or district council campaigns. The clear articulation of policy options for the city as a whole is particularly important when all or most of the council members are elected from districts. Media coverage of the mayoral race tends to be higher than is coverage of other races and there may be a higher level of voter awareness of issues that results from the direct election of mayors. The consequence of these phenomena is to increase the potential for mayoral leadership by giving the mayor a city-wide endorsement of his or her platform and by generating a popular support base. A disadvantage of this method is the possibility that the mayor will be at variance with the council majority on most important issues(1). Mayors must work to win the continuing support of other council members and not presume that an electoral "mandate" will produce support from them.

In specifying Alternative II, it may be preferable to provide for annual election of the mayor and mayor pro tem with the option of reelection. This seems more consistent with the logic of the original commentary, as reflected in this slightly revised version:

An alternate position is that local policy leadership can best function through a cohesive team of council members chaired by a mayor that it chooses. Election of the mayor by and from the council reduces the likelihood of conflict between the mayor and the council majority. The council majority is able to select the person whom it feels is best able to lead it. However, cities using this method should avoid particular practices that diminish the prospect of effective leadership. Having the mayor serve at the pleasure of the council as opposed to a one-year renewable term could diminish the likelihood that the mayor would take any stand opposed by the majority. Rotation of the office of mayor among members shifts the office regardless of capability or support from other members of the council, limits the amount of experience the mayor can acquire, and precludes increasing his or her competence in the exercise of leadership skills over an extended period of time. An awkward alternative that can lead to extensive infighting on the council is to automatically designate the mayor as the council member who receives the largest number of votes in the general election. Since all members elected could have been mayor with more votes, they may begin jockeying for position to improve their standing in the next election. In addition, those designing a charter should consider the potential contradiction between electing all council members from districts and council selection of the mayor. This combination makes the mayor responsible to the entire electorate but accountable only to the voters of one district.

The question then becomes whether a directly elected mayor or a council-chosen mayor is more likely to promote effective leadership by the mayor and council. There are clear advantages and disadvantages with each approach as noted in the Commentary. Although a mayor with a city-wide voter support may be better able to effectively lead a council, he or she has no more power to do so and may go a separate way rather than focusing on pulling the council together. The council-chosen mayor have internal support but typically has not had the opportunity to present a mayoral platform to the voters. If the issue is one of council dysfunction or weakness, the cure could lie in finding new ways - structural or other - to make council a more effective legislative body that go beyond whether the mayor is chosen by the people or by council.

**Three Options:** The Committee should adopt one of the following positions by the end

of the December 7th meeting:

- A. The Model Charter shall continue to present both alternatives without expressing a preference. The Commentary remains accurate today.
- B. The Model Charter shall continue to present both alternatives without expressing a preference. The Commentary needs revision, the extent of which will be decided upon at the Dec. 7th meeting.
- C. The Model Charter should state a preference for one of the alternatives. The Commentary needs to be revised accordingly.

---

(1) Presumably, this discrepancy will be reconciled in the next election by change of either mayor or members of the council.

<< [Back to the Model City Charter Revision Project Home](#)

---

[Home](#) | [Search](#) | [Contact](#)

Copyright © 2005, National Civic League