

2014 Council Study Issue

OCA 14-02 Charter Amendment to End Numbered Council Seats

Lead Department Office of the City Attorney

Sponsor(s) Whittum, Meyering

History 1 year ago: None 2 years ago: None

1. **Scope of the Study**

a. What are the key elements of the study?

Sunnyvale Charter Section 601 provides that each Council seat is numbered and a separate elective office, although the election for each seat is "at-large" by all voters in the City. This study issue would consider a charter amendment to remove the numbered seats, so that all candidates would run for the council at-large against all other candidates instead of for an individual seat

b. What precipitated this study?

The Council selected the numbered seat charter provision as one of the priority sections for review by the 2006-2007 Ad Hoc Charter Review Committee. The Charter Review Committee, after discussion of the numbered seats versus seats at-large council member election structure, recommended to the Council that the current numbered seat system not be changed. The Council followed Charter Review Committee's recommendation and did not put a charter amendment changing Section 601 to delete numbered seats on the November 2007 ballot. Councilmember Whittum raised the issue through the study issue process in 2008 and 2009, but it was not ranked. Councilmember Whittum is asking that it be revisited.

Argument For:

Voters should have freedom to choose among all candidates.

Sunnyvale does not have districts and voters do not benefit by having their choices limited. At present if a voter believes candidate A and B are the best for the City, they cannot vote for both A and B, if A and B are running for the same artificial number. Meanwhile, the seat system in practice appears to promote conflict between candidates --- candidates who may well agree on the issues. The result is that candidates in practice oftentimes focus on their opponents, and campaign against them, promoting discussion of their personal weaknesses as candidates.

This measure would discourage negative campaigning and promote a focus on issues. At-large elections allow voters to vote for the candidates they think are best, while still preserving the ability to defeat an unpopular incumbent.

Under the numbered seat system, it sometimes happens that an incumbent is unchallenged, thus reducing their incentive to engage in campaign activities, outreach, discussion and debate. Under an at-large system, every incumbent faces every challenger --- and every other incumbent --- increasing the incentive for office-holders to be accountable to the voters, to articulate and to defend their views on topics of the day. Elimination of this artificial system would discourage the formation of slates in election season, and thus promote a harmonious and collegial work ethic among those elected.

Argument Against:

Numbered seats prevent "fringe" candidates from reaching elective office. The seat system insures candidates will focus on their opponents, and campaign against them, promoting discussion of their weaknesses as candidates. In addition, as it is rare for

more than two candidates to run for one seat, the seat system tends to insure that anyone elected to council is supported by a majority of voters. Also, at large elections favor incumbents making it difficult to change the status quo.

- c. Is this a multiple year project? No. Planned Completion Year: 2014; however, if Council wanted to place a measure on the ballot to change the charter, that could not occur until the next general election, which is in November 2016.

2. Fiscal Impact

a. Cost to Conduct Study

- i. Level of staff effort required (opportunity cost)

Major Moderate Minor

- ii. Amount of funding above current budget required \$0

Will seek budget supplement Will seek grant funding

- iii. Explanation of Cost: n/a

b. Costs to Implement Study Results

No cost to implement.

Unknown. Study would include assessment of potential costs.

Some cost to implement. Explanation: There would be costs associated with putting a measure on the ballot.

3. Expected participation in the process

Council-approved work plan

Council Study Session

Board/Commission Review by

4. Staff Recommendation

- a. Position: Study issue unnecessary.

b. Explanation: While this is a policy issue worthy of Council's consideration, staff does not believe that a study issue is necessary. The pros and cons of numbered seats have been identified and discussed in the past. Councilmembers wishing a change in the status quo should simply seek an agenda item to allow Council to vote on whether or not to place this charter amendment on a future ballot.

Reviewed By:

Johna Bunn 12/10/13

Department Director Date

Approved By:

John C. Wells 12-12-13

City Manager Date