

**DRAFT MINUTES\***  
**SUNNYVALE 2011 CHARTER REVIEW COMMITTEE**  
**MARCH 3, 2011**

**1. CALL TO ORDER**

Chair Weiss called the meeting to order at 6:35 p.m.

**2. ROLL CALL**

**PRESENT:** Committee Chair Weiss Carol Weiss  
Committee Vice Chair Carol Ludlow  
Committee Member Terry Fowler  
Committee Member Glenn Hendricks  
Committee Member Patrick Hughes  
Committee Member Tappan Merrick  
Committee Member Julia Miller  
Committee Member Ken Olevson  
Committee Member Mathieu Pham  
Committee Member Ted Ringel  
Committee Member Willis (Bill) Ritter

**ABSENT:** None.

**STAFF PRESENT:** City Attorney David Kahn  
City Clerk Kathleen Franco Simmons

**3. PUBLIC COMMENTS**

Alia Wilson, Sunnyvale Sun staff writer, introduced herself.

**4. APPROVAL OF MINUTES**

Chair Weiss recommended a correction to remove "Weiss " as erroneously listed after Committee Vice Chair, to correctly read: Committee Vice Chair Carol Ludlow.

MOTION: Committee Member Ringel moved and Committee Member Merrick seconded the motion to approve the Charter Review Committee Minutes of February 17, 2011 as amended.

VOTE: 11 - 0  
Motion carried.

*\* Pending Committee Approval*

**5. DISCUSSION AND RECOMMENDATIONS ON SUNNYVALE CHARTER PROVISIONS AND CHARTER LANGUAGE FOR SELECTION OF MAYOR**

- a. Discussion of input and comment from City Council, City staff, and citizens on Charter review issues

Committee Member Olevson provided information regarding materials he submitted titled: "Selected California City Data."

The committee briefly reviewed the charge of the City Council to the Charter Review Committee and the scope of work as limited to consideration of whether to change to a directly-elected Mayor, proposed Charter amendment language for changing to a directly-elected mayor including the term and term limits but not changing the role of the mayor, and consideration of the Charter provisions on Council compensation.

Discussion, comments and concerns included:

<ul style="list-style-type: none"><li>• Suggestion that the agenda for the public hearing March 24 be narrowed down to five pros and cons;</li><li>• Comment that the previous discussion made apparent that one person's "pro" is another person's "con";</li><li>• Suggestion to take a weighted selection of the pros and cons; each member would rate each one as to which is the most important and could speak to why each point should be included on the pro or con list; then the committee would rank and vote on them to come up with five of each;</li></ul>
<ul style="list-style-type: none"><li>• Concern the method above would be weighting the conversation at the public hearing;</li><li>• Suggestion to start with a clean slate and ask the public to tell the committee what they think;</li></ul>
<ul style="list-style-type: none"><li>• Concern regarding the delay in publicizing the public hearing and public meetings through an e-mail blast to the neighborhood associations;</li></ul>
<ul style="list-style-type: none"><li>• Concern regarding not wanting to channel the public's input;</li><li>• Comment that it is the voting citizen's responsibility to find out what is going on in their community and if they take the time to come out and make their point, they should be given the opportunity to speak to the issue within the parameters; to pre-decide the pros and cons would give the impression that it is a predisposed position; it should be an open discussion;</li></ul>
<ul style="list-style-type: none"><li>• Suggestion that the parameters of the hearing should be decided, an introduction should be given to set the framework of what the committee is reviewing and what it is not reviewing;</li></ul>
<ul style="list-style-type: none"><li>• Suggestion to give notice of a 3-minute limit for each speaker and have the City Attorney report on the charge of the Council to the committee;</li></ul>
<ul style="list-style-type: none"><li>• Comments that putting out the pros and cons as the committee sees them will trigger more input;</li></ul>
<ul style="list-style-type: none"><li>• The citizenry should be invited to submit their views about the issues by email to one central point; the committee meetings should be made more available to the public and to each of the neighborhood groups;</li></ul>

Chair Weiss requested of the city clerk that a notice be listed on the meeting notices stating that if someone cannot attend the meeting, comments may be emailed to the city clerk's email address.

Alia Wilson, staff writer for the Sunnyvale Sun, provided information regarding news articles for the Sun.

MOTION: Committee Member Ritter moved that the public be advised that City Council has created a charter review committee for the specific purpose which Counselor will describe, the scope of the committee's job, and a general timetable for the conclusion of the committee's work and not include in the motion the pros and cons.

RESTATED MOTION: Committee Member Ritter restated the motion that the public be advised about the public meeting and that background be given as to why the Charter Review Committee exists, what its charge is and what its deadline is, and describe in general what the issue is, which is either to continue the present system or to go to a directly-elected mayor, and say no more. Committee Member Ringel seconded the motion.

Committee Member Miller requested to amend the motion to include compensation of the mayor.

AMENDMENT: Committee Member Ritter amended the motion to include the issue of compensation.

RESTATED MOTION: Committee Member Ritter restated the motion that the public be advised at the March 24 public meeting that the agenda would include a summary of how the Charter Review Committee was created, why it was created, and what its charge is.

MOTION to CLOSE DISCUSSION: Committee Member Ringel moved and Committee Member Merrick seconded the motion to close discussion.

VOTE to CLOSE DISCUSSION: 11 - 0  
Motion carried.

VOTE on MAIN MOTION as AMENDED: 7 - 3 - 1 (Committee Members Fowler, Ludlow, and Merrick dissented, Committee Member Hughes abstained)  
Motion carried.

MOTION: Committee Member Miller moved and Committee Member Ringel seconded the motion to let the Chair decide the best way to handle time limits for public comment based on how many people are in attendance at the March 24 public hearing.

VOTE: 10 - 1 (Committee Member Merrick dissented)  
Motion carried.

Brief discussion was held regarding narrowing down the list of pros and cons transcribed from the flip chart list developed at the February 17 meeting. Without objection, it was agreed to delay this discussion until after public input is received March 24.

MOTION: Committee Member Merrick moved and Committee Member Ringel seconded the motion to schedule an additional Charter Review Meeting April 7, 2011.

MOTION to CLOSE DISCUSSION: Committee Member Ringel moved and Committee Member Merrick seconded the motion to close discussion.

VOTE to CLOSE DISCUSSION: 11 - 0  
Motion carried.

VOTE on MAIN MOTION: 11 - 0  
Motion carried.

City Attorney Kahn provided information regarding the other issues Council requested to be considered relating to the term and term limits of a directly-elected mayor.

Discussion, comments, question and concerns included:

<ul style="list-style-type: none"><li>• Consideration whether a directly-elected mayor would have a two year or four year term;</li><li>• Consideration whether election as mayor counts for term limits against Council terms, or whether there is a separate term as mayor, or a third option such as in Milpitas that following two terms as a city Councilmember, election as mayor extends the term limit by one additional term;</li></ul>
<ul style="list-style-type: none"><li>• Information from other cities and previous mayors regarding term limits;</li></ul>
<ul style="list-style-type: none"><li>• Currently the City does not have lifetime term limits; when a Councilmember has termed out after two four-year terms they have to sit out for the length of one term, four years, before they are eligible to run again;</li><li>• Would that mean that all seven sitting Councilmembers can run for mayor without sitting out for four years?</li></ul>

Committee Member Olevson volunteered to conduct independent research by calling other cities of similar size, charter and non-charter, directly-elected and not, to find out what term limits they have.

MOTION: Committee Member Merrick moved and Committee Member Ritter seconded the motion that we limit the review of mayoral position to a four year term only, because of the cost associated with running every two years; and second, to limit total term limits on the Council and mayor to twelve years without a break.

Committee Member Ritter requested of the maker of the motion to entertain an addendum to the motion that says that a City Councilmember who has served two four-year terms must wait four years before they can run for mayor, and then if successful as mayor, they would be termed out after one term.

The maker of the motion declined to accept the amendment.

Additional discussion, comments, and questions regarding mayoral terms included:

<ul style="list-style-type: none"><li>• If a Councilmember gets elected to mayor for four years, they should be eligible to re-run for that position because it is a different position and the term would be a full eight years;</li><li>• Alternatively, to prevent current Councilmembers jumping off, remove the charter language that says they have to wait two years and change it to they have to wait one year or two years to give a gap in service while allowing a contiguous two-terms; it will take the politics out of positioning to get the votes and support for the directly-elected mayor position;</li></ul>
<ul style="list-style-type: none"><li>• Different Council seats end in different years; if the provision for twelve years total if a Councilmember served two four-year terms; would there be a required separation if elected once and part-way through the term a Councilmember wanted to run for</li></ul>

mayor? If the Councilmember lost the election, would they still hold their Council seat?
<ul style="list-style-type: none"> <li>In the previous charter review, when the issue of term limits came up, the charter was changed to the current language, that for any twelve-year period a person may serve a total of eight years, whether eight consecutive or eight by serving four years, then not being on the Council for four years, then being on the Council for four years.</li> </ul>
<ul style="list-style-type: none"> <li>Comments were expressed regarding the merits of continuing the discussion or not, of the pros and cons of a directly-elected mayor and whether conclusion of that issue should preclude the discussion on terms and term limits.</li> </ul>

RESTATED MOTION: Committee Member Merrick restated the motion that the discussions regarding the directly-elected mayor first of all only deal with a four-year directly-elected mayor, and second, that the Councilmember/mayor can only serve a maximum of 12 years consecutively.

MOTION to CLOSE DISCUSSION: Committee Member Hendricks moved and Committee Member Hughes seconded the motion to close discussion.

VOTE to CLOSE DISCUSSION: 11 – 0  
 Motion carried.

VOTE on MAIN MOTION: 1 – 9 – 1 (Committee Members Fowler, Hendricks, Hughes, Ludlow, Miller, Olevson, Pham, Ritter, and Weiss dissented, Committee Member Ringel abstained)  
 Motion failed.

City Attorney Kahn provided information regarding the Council's request to review and make recommendations on the Charter provision on Council compensation as provided in the staff report.

Committee discussion, comments, questions and concerns relating to Council compensation included:

<ul style="list-style-type: none"> <li>Question of whether the charter could be amended to provide for the Council to vote annually on an increase or not subject to a 5% limit;</li> </ul>
<ul style="list-style-type: none"> <li>When the current provision was placed on the ballot in 1991 it was for the reason that the Council didn't have to go into a public forum and set their own compensation;</li> <li>Councilmembers may and do waive and decline the 5% increase on the dais; and it is automatically reinstated if not stated publicly each year;</li> <li>Question of how long, under the current provision, could an automatic 5% increase be sustained;</li> </ul>
<ul style="list-style-type: none"> <li>Question of whether the committee could look at the total compensation of the mayor and Council as a percent of the City budget;</li> <li>Question of whether the committee could look at whether the increases not to exceed factors such as CPI capped at 5% or other factors;</li> </ul>
<ul style="list-style-type: none"> <li>Question of vesting of health benefits based on length of service;</li> </ul>
<ul style="list-style-type: none"> <li>Comments that Councilmembers are significantly underpaid;</li> <li>Suggestion that a fulltime Councilmember should receive \$60,000 or a Councilmember working halftime should be getting \$30,000, which would be an \$8000 raise over their current salary;</li> </ul>
<ul style="list-style-type: none"> <li>Councilmembers do a lot behind the scenes and expend a lot of personal time on the City's behalf;</li> </ul>

<ul style="list-style-type: none"> <li>• Comments expressing strongly in favor of compensating Councilmembers for the job they are doing;</li> </ul>
<ul style="list-style-type: none"> <li>• Agreement that public servants are not well-compensated; the committee should go very slow in thinking about reducing Council compensation;</li> <li>• Comment that great care should be taken when considering changing the charter in any way because the valley may be in the doldrums economically right now, but won't be forever; if the charter is changed now, then there may be a need to have another charter amendment when things get better;</li> <li>• Comment that if the charter is to be amended, it ought to be amended so that the Council is compensated fairly;</li> </ul>
<ul style="list-style-type: none"> <li>• Question from a labor market perspective, do we have difficulty getting people to run for office;</li> </ul>
<ul style="list-style-type: none"> <li>• Comment that 25 public safety positions have been laid off and numerous positions of people who have retired have not been refilled; this City has always been efficient;</li> <li>• What you don't see are other benefits of the job; by the time you include all the benefits it will be close to \$50,000 per Council person;</li> <li>• Agreement that the compensation should be increased; the charter amendment should connect it to CPI and cap it at 5%;</li> </ul>
<ul style="list-style-type: none"> <li>• Question of whether the rank and file workers have automatic salary increases;</li> <li>• Comment that the automatic cost of living increase doesn't make sense;</li> <li>• An increase tied to CPI seems like a good idea and better than the current provision but it should be capped at 5%; if inflation is at 10% there should be more revenue coming in and a general correlation should be generally be made;</li> </ul>
<ul style="list-style-type: none"> <li>• During the Carter years, employment was going down while inflation was going up; neither is a good formula; also need to choose the right version of CPI;</li> </ul>
<ul style="list-style-type: none"> <li>• Support for tying to CPI with a cap; suggest finding a way to tie it to revenues to the budget;</li> <li>• Comment that people have different motivations for becoming Councilmembers other than for a paycheck; they should be compensated for their time;</li> </ul>
<ul style="list-style-type: none"> <li>• Total revenues for the City budget for 10-11 is \$264 million of which 74% is generated from taxes and service fees;</li> <li>• The problem with tying to the budget is how to do it if inflation goes up and CPI goes up but the real estate market goes down with high unemployment;</li> </ul>
<ul style="list-style-type: none"> <li>• Comment that it would be a complicated formula;</li> </ul>
<ul style="list-style-type: none"> <li>• It could be stated that if the pay raise this year would cause the total expenditures paid for Council salaries to exceed a certain percent;</li> <li>• This might give a strong incentive to generate more revenue;</li> </ul>
<ul style="list-style-type: none"> <li>• This might be a way of helping to enforce a leadership statement;</li> </ul>
<ul style="list-style-type: none"> <li>• Question regarding travel expense allowance for Council;</li> <li>• If a Councilmember does not use their travel budget they have an option to give it to another Councilmember or mayor or turn it back in and not use it;</li> </ul>
<ul style="list-style-type: none"> <li>• Comment that people don't do the job for the money; it is a part time job; money Councilmembers spend to get elected isn't necessarily their own money;</li> </ul>
<ul style="list-style-type: none"> <li>• Comment that there is not a lack of candidates; it isn't the number of candidates but the quality; some good candidates may say they don't want to take the pay cut or get elected to Council and leaves after a year or two;</li> </ul>
<ul style="list-style-type: none"> <li>• Recommendation that 1) any raise take effect in 2016 so there are no issues regarding Councilmembers voting for their own raise; 2) an average of cost of living over 5 years to gives City a better opportunity to budget; and 3) determine a salary of \$30,000 for</li> </ul>

Councilmembers and \$40,000 for the mayor as a starting point.
<ul style="list-style-type: none"><li>• Comment that Council compensation was being considered by the committee because of a desire to lower the salary.</li></ul>
<ul style="list-style-type: none"><li>• Comment that the 27th amendment to the Constitution does not allow Congress to raise its own salary; if Congress should vote a salary increase, it does not go into effect until the next Congress.</li></ul>

MOTION: Committee Member Ringel moved it be resolved that the Council compensation be set at the fiscal year 2010/2011 rate and henceforth increased annually by the CPI for Oakland Bay Area, capped at 5%.  
Motion died for lack of second.

**6. ADJOURN MEETING**

MOTION to ADJOURN: Committee Member Fowler moved and Committee Member Miller seconded the motion to adjourn.

VOTE: 8 - 3 (Committee Members Ritter, Ringel, and Merrick opposed)

Chair Weiss adjourned the meeting at 8:58 p.m.

\_\_\_\_\_  
Kathleen Franco Simmons  
City Clerk

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Date