

DRAFT MINUTES*
SUNNYVALE 2011 CHARTER REVIEW COMMITTEE
MARCH 15, 2011

1. CALL TO ORDER

Chair Weiss called the meeting to order at 6:30 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 Julia Miller (arrived at 6:43 p.m.)
Committee Member Tappan Merrick
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

Constance Cook Turner, stated she was present to listen and give public input.

Fred Fowler, stated he was present to listen.

4. APPROVAL OF MINUTES

Hendricks stated he will abstain from voting on the minutes as he was not present.

MOTION: Committee Member Merrick moved and Committee Member Pham seconded the motion to approve the Charter Review Committee Minutes of March 10, 2011 as submitted.

VOTE: 7 – 0 (Committee Members Hendricks, Hughes, Olevson abstained, Committee Member Miller absent)
Motion carried.

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

Issue: Directly-elected Mayor.

Individual Committee Member comments included:

- Committee Member Olevson stated the current system seems to be working well and he hasn't heard any arguments strongly advocating why the city should change to a directly-elected mayor. He stated before the committee makes its final decision, he hopes to have time to call other cities and find out what they found as pros and cons, but at this point he is tending to favor leaving it the way it is.
- Committee Member Ringel stated his research of the 1982, 1991, and 2006 Charter Review Committees and City Council decisions and the January 2011 Council meeting, identified the following arguments in favor of a directly-elected mayor:
 - 1- A directly-elected mayor would serve on select committees at Mayor's Conferences, etc.;
 - 2- A four-year directly-elected mayor would have more influence in regional organizations and the city would become a leader of global networking;
 - 3- As the city grows, there is a need to evolve from part-time to full-time council and mayor; there is more interest by voters in the political arena;
 - 4- A directly-elected mayor is more effective in getting things done; the mayor cannot be as effective if not directly-elected.He stated that he identified the following opposing views:
 - 1- The directly-elected mayor would spend more time climbing a personal ambition ladder and attend more meetings on a national, local and state level;
 - 2- The Sunnyvale government-business influence is exemplary in the Bay Area, California and nationwide;
 - 3- Global networking is an illusion; cities don't have global networking unless they are New York City, Chicago or Los Angeles;
 - 4- The city manager and city council have grown the city positively in the last 43 years;
 - 5- Four Charter Review Committees and City Councils over the past 28 years have rejected changing the present form; the responsibility of the manager would be diminished and the mayor's responsibility would be increased which would create a problem in the election process and management process and be at increased cost.Ringel stated he is on the side of keeping it the way it is with the Council electing to mayor for two years.
- Committee Member Miller stated she said many of the things Committee Member Ringel said at the first meeting in regard to how a directly-elected mayor could enhance Sunnyvale's position locally, statewide and federally. Miller stated she has been taking a poll of community members and most people are leaning toward the way it was done before the mayor's term was changed to two years; they don't like the two-year term because they are confused with who the Vice Mayor is. Miller stated that she likes the idea of letting the citizenry decide but questioned whether the people that vote would have as much knowledge as the committee members who have studied the issue. She stated that there will be a cost to the city to put it on the ballot, and that she doesn't think it will affect Sunnyvale in a negative way to have a directly-elected mayor, but that the current way has also been effective for many years. Miller stated her personal view is that it should have been done three years ago, but wasn't, so it is important to look at the political will on what is trying to make it happen three years later.

- Committee Member Ritter stated he hasn't been able to find the information on voter turnout yet on how it is trending and whether a comparison can be made of surrounding cities with directly-elected mayors and cities with council-selected mayors. He stated he does not have pre-conceived ideas about that but that as a principle of good government, the more citizen participation the better. Ritter stated that preliminarily he believes the mayor ought to be determined by the electorate and that it ought to go on the ballot; but that the weight of the evidence is important to him, and not all of the evidence is in; he is anxious to hear more from the committee and the public.
- Committee Member Pham stated he has not made up his mind yet; he continues to weigh the pros and cons and is waiting for all the evidence to come in before he makes a decision. He stated he is undecided.
- Committee Member Hendricks stated he has not made a final decision and is still open to input. He stated the most compelling argument he has heard relate to length of term and how the mayor has time to establish relationships with other governmental entities. He stated that having a directly-elected mayor may not be the only way to solve that problem, if it even does solve it. He stated the remaining arguments he has heard in favor of a directly-elected mayor tend to go into the aspect of role and responsibilities either at the statutory level or in the perception of what the mayor would be allowed to do or what their responsibility is or what accountability they should have. Hendricks stated if the question were reversed to ask: "What is the role and responsibility that we want the mayor of Sunnyvale to have?", and the response articulated a changed role, then it would be appropriate to say the mayor should be directly-elected. He stated the arguments against a directly-elected mayor, such as somebody might want to do this by ambition or that it would be costly, were not as compelling. He stated the issue of voter turnout may potentially be described as a problem but that he is not sure a directly-elected mayor is the only way that satisfies that problem, or whether it would even solve it. Hendricks stated that the committee is not looking at role and responsibility, and whether at the statutory level or through perception, changing to a directly-elected mayor changes the role and responsibility. He stated that on that level, subject to more information, he would tend to lean toward having it stay the way it is.
- Committee Member Merrick stated he sees this as a drive motivated by political aspirations to develop a political base to run for higher offices, and that is not a reason for Sunnyvale to choose to do that. He stated regardless of what the charter says, greater power would be consolidated with one person as people would go to the mayor. Merrick stated that this would make it easier for the pro growth, high-density advocates as he has observed in Santa Clara. He stated Sunnyvale handles things much more responsive to its citizens and less responsive to high-density development and is more cautious about the approaches to development. Merrick stated that because there would be political promises made in elections, there would be a greater probability of spending more money than the city has and the city will look more like the other cities that don't have surpluses. He stated the cities with budget problems all have directly-elected mayors. Merrick stated if a change is made this year, there is nothing to say another change couldn't be made in four years. He stated this would be the beginning of the changes rather than the end, so he is happy to leave Sunnyvale as it is.
- Chair Weiss stated the Preamble to the Constitution starts with "We the people..." and with that is implicit the idea of popular sovereignty, that power resides with the people. She stated she believes the committee should recommend putting it on the ballot, to give the people of Sunnyvale a chance to have discussions among themselves and vote. Weiss stated that people she has spoken with are surprised that they don't elect the mayor. Weiss stated accessibility is a very important feature and by getting the people more involved, whichever way they vote, the public will be more educated and it will make them feel like the

<p>system is more accessible. She stated that she is not in favor of the city council selecting the mayor; she feels that walking precincts and explaining issues is a very important civic adventure. Weiss stated that putting this position on the ballot will cost about the same as running for a council seat. She stated the fact that the city works so well can be credited to staff and the fact that it is long-term budgeting with short term adjustments that lend to stability. Weiss stated that there has also been disparity in the ability levels of council members. She stated the committee should vote in such a way to allow the public to get involved.</p>
<ul style="list-style-type: none">• Committee Member Fowler stated he appreciates the request to find more statistics on the effect on voter turnout in having a directly-elected mayor, but that it is difficult to determine that there is a cause and effect relationship. He stated it also weighs on his mind that one might find some council members more to their liking than others but that when a mayor is directly-elected, a mayor might be elected that you don't agree with. Fowler stated that he found it interesting that people may want to go back to a one-term mayor. He stated that he can't see any particular reason to change to a directly-elected mayor and that he is not sure the electorate is that interested in changing it. He stated he is leaning toward not recommending that it be put on the ballot.
<ul style="list-style-type: none">• Committee Member Hughes stated that in the absence of any substantive changes to the role and responsibilities of the mayor, he is not convinced the set of people affected by this change would consist of anything other than current and future mayors of Sunnyvale. He stated that all the other arguments seem to be fairly subjective or hard to quantify. In lieu of doing a weighted decision matrix, he stated he would tend to fall back on whatever solution is simpler; there are more decisions to make voting in California already and voting for council is a fairly simple solution; voting for council and mayor seems like an unnecessary complexity. Hughes stated he is leaning against the idea of a directly-elected mayor under these constrictions.
<ul style="list-style-type: none">• Committee Member Ludlow stated that she understands all the pros and cons, and what she is hearing from a lot of people who've been in Sunnyvale for forty years is that they don't want it to change. She stated that there are new people coming in to Sunnyvale, so she does not believe that is a good reason on which to base the decision. Ludlow stated she had a lot more to say that has been said and she agrees with everything Chair Weiss said 150%.

PUBLIC COMMENT

Public comment was re-opened at 7:28 p.m.

Constance Cook Turner commented that there are so few people who follow the council, who are educated about city governance and who vote. She expressed support for how well the city is doing now and stated she was not in favor of placing the issue on the ballot. In addition, she provided comments that public service is a privilege and that councilmembers should be reimbursed for expenses but otherwise should be honored to perform this part-time service to the city.

Fred Fowler provided comments that the directly-elected mayor is a solution but not to the more important problems if it doesn't put more police on the street, pave more roads and keep parks clean; the council is supposed to act as an oversight body to make sure city workers serve the public good. Fowler questioned whether a directly-elected or non-directly elected mayor would make that idea work better and indicated that he was against putting it on the ballot unless a strong case can be made by unanimous recommendation of the committee.

Issue: List of PROS and CONS of a directly-elected Mayor.

MOTION: Committee Member Hendricks moved and Committee Member Ludlow seconded the motion to take the single page list of PROS and CONS of a directly-elected mayor and let committee members have the opportunity to add, delete or adjust the language on the list. The list of PROS as developed by the committee at their meeting of February 17, 2011 was as follows:

- Item 1. *Democratic*
- Item 2. *Trend is to directly-elected Mayor*
- Item 3. *Bring out more voters*
- Item 4. *Political identification*
- Item 5. *City manager's association favors directly-elected Mayor*
- Item 6. *Prevents cliquish [sic.]*
- Item 7. *Continuity*
- Item 8. *Policy leadership*
- Item 9. *Assume independence*
- Item 10. *Single voice*
- Item 11. *Higher media coverage*
- Item 12. *Higher voter awareness*
- Item 13. *More accountability*

- Item 1. *Invest the Sunnyvale citizens in City government*
- Item 2. *Accountability*
- Item 3. *Continuity – Reg – State – National*

The list of CONS was as follows:

- Item 1. *Could work against system*
- Item 2. *Conflict with administration*
- Item 3. *Not be removed unless recall*
- Item 4. *Create new bureaucracy*
- Item 5. *Additional expense*
- Item 6. *Council introduce partisanship*
- Item 7. *Reduces access*
- Item 8. *Ensure someone with more knowledge*
- Item 9. *We form of government*
- Item 10. *Get around term limits*
- Item 11. *More susceptible to special interest*

AMENDMENT: Committee Member Hughes offered an amendment to the motion to use the corrected list that has the City Manager/ICMA change rather than the first list.

Committee Member Hendricks declined to accept the amendment.

VOTE on MAIN MOTION: 7 – 3 (Committee Members Ringel, Ritter, and Weiss dissented, Committee Member Miller abstained)
Motion carried.

The committee affirmed or made modifications to the list of PROS of a directly-elected mayor by the following informal votes by show of hands:

PROS

Item 5. *City manager favors ...*

Modify to: *International City Managers Association (ICMA) favors directly-elected Mayor*

No vote was taken at this time.

Discussion was held on a suggestion to add Item 14: *Allows for political aspirations.*
No action was taken.

Item 1. *Democratic*

Modify to: *Public chooses its Mayor*

VOTE in favor of keeping Item 1 on the list as modified: 7 (carried)

Item 2. *Trend is to directly-elected Mayor*

Remove from list

VOTE in favor of removing Item 2 from list: 8 (carried)

Item 3. *Bring out more voters*

and

Item 12. *Higher voter awareness*

Combine Items 3 and 12 and modify to: *May have more voter awareness and turnout*

VOTE in favor of combining Items 3 and 12 as modified: 7 (carried)

Item 4. *Political identification*

Modify to: *Gives Sunnyvale higher visibility and influence*

VOTE to keep Item 4 on list as modified: 8 (carried)

Item 5. *International City Managers Association (ICMA) favors directly-elected Mayor**

Keep on list as corrected

VOTE in favor of keeping Item 5 on list as modified: 3 (failed)

Item 6. *Prevents cliquish [cliques]*

Remove from list

VOTE in favor of removing Item 6 from list: 9 (carried)

Item 7. *Continuity*

Remove from list

VOTE in favor of removing Item 7 from list: 8 (carried)

Item 8. *Policy leadership*

Modify to: *Enhanced leadership opportunity*

VOTE in favor of keeping Item 8 as modified: 8 (carried)

Item 9. *Assume independence*

Remove from list

VOTE in favor of removing Item 9 from list: 9 (carried)

Item 10. *Single voice*

Replace: *Primary point of contact for public*

VOTE in favor of replacing Item 10 on the list as worded: 6

Item 10. *Single voice*

Replace: *Higher visibility for the office of Mayor*

VOTE in favor of replacing Item 10 on the list as worded: 9 (carried)

Item 11. *Higher media coverage*

Remove from list

VOTE in favor of removing Item 11 from list: 10 (carried)

Item 13. *More accountability*

Modify to: *More accountability of Mayor to the public*

VOTE in favor of keeping Item 13 as modified: 9 (carried)

PROS from short list at the bottom:

Item 1: *Invest the Sunnyvale citizens in City government*

Modify to: *Empowers the citizens of Sunnyvale*

VOTE in favor of keeping this item on the list of pros as modified: 7 (carried)

Item 2. *Accountability*

and

Item 3. *Continuity – Reg – State – National*

No action necessary; handled in previous actions above.

City Attorney Kahn read back the approved list of PROS for the Preliminary Discussion Points:

1. *Public gets to choose Mayor*
2. *May have more voter awareness and turnout*
3. *Gives Sunnyvale more visibility and influence*
4. *Enhanced leadership opportunity*
5. *Primary point of contact for the public*
6. *Higher visibility for office of Mayor*
7. *More accountability by Mayor to the public*
8. *Empowers citizens of Sunnyvale*

By consensus, Numbers 1 and 8 on the list of approved PROS were combined to read:

Empowers citizens of Sunnyvale to choose the Mayor.

The committee affirmed or made modifications to the list of CONS of a directly-elected mayor by the following informal votes by show of hands:

CONS

Item 1. *Could work against system*

and

Item 2. *Conflict with administration*

Combine Items 1 and 2 and modify to: *Could cause conflict with Council and City Manager*

VOTE in favor of keeping Items 1 and 2 combined as modified: 8 (carried)

Item 3. *Not be removed unless recall*

Modify to: *Directly-elected Mayor can not be removed unless by a recall vote*
VOTE in favor of keeping Item 3 as modified: 11 (carried)

Item 4. *Create new bureaucracy*

Remove from list

VOTE in favor of removing from list: 10 (carried)

Item 5. *Additional expense*

Modify to: *Additional one-time expense*

VOTE in favor of keeping Item 5 on list as modified: 10 (carried)

Item 6. *Council [sic] introduce partisanship*

Correct to: *Directly-elected Mayor introduces partisanship*

VOTE in favor of keeping Item 6 on list as corrected: 4 (failed)

Item 7. *Reduces access*

Remove from list

VOTE in favor of removing Item 7 from list: 8 (carried)

Item 8. *Ensure someone with more knowledge*

Modify to: *Enables someone without civic experience to be elected Mayor*

VOTE in favor of keeping Item 8 on list as modified: 9 (carried)

Item 9. *We form of government*

Modify to: *Potential to change the dynamics of Sunnyvale government*

VOTE in favor of keeping Item 9 on list as modified: 9 (carried)

Item 10. *Get around term limits*

Modify to: *Potential to circumvent term limits*

VOTE in favor of keeping Item 10 on list as modified: 9 (carried)

Item 11. *More susceptible to special interests*

VOTE in favor of keeping Item 11 on list: 9 (carried)

MOTION: Committee Member Ringel moved and Committee Member Ludlow seconded the motion to close discussion and the list.

VOTE: 11 – 0

Motion carried.

Discussion regarding the intent of the list of pros and cons included:

<ul style="list-style-type: none">• List should be titled “Preliminary Discussion Points”• Concern about giving the impression to the public that the committee is in support of this list, all of it or any one item;• Concern the public may get the idea the committee has worked on this list for months and no new ideas are necessary;• The list ought to be presented with caution to make sure the public understands the committee is interested in their original thinking regarding the issue of a directly-elected mayor;
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<ul style="list-style-type: none"> • The list invites the opportunity to discuss the issues;
<ul style="list-style-type: none"> • Suggestion to have the three charges made by the City Council on display in the room and the Chair will state the committee has had discussions on the points provided in a handout;
<ul style="list-style-type: none"> • Suggestion to change “discussion points” to “talking points”;
<ul style="list-style-type: none"> • Suggestion that more important than the label is how the Chairperson’s opening comments present the information as a summary of points that have been talked about; • Suggestion to call them open-ended questions;
<ul style="list-style-type: none"> • Suggestion the Chair introduce the list as items the committee has preliminarily discussed, that the committee has not reached any final decision on any of the items, and the committee would like to hear more points from the public for consideration;
<ul style="list-style-type: none"> • Suggestion to include a statement to that effect on the document.

City Attorney Kahn read back the approved list of CONS for the Preliminary Discussion Points:

1. *Could cause conflict with City Council and city manager*
2. *Directly-elected Mayor can not be removed unless by a recall vote*
3. *Additional one-time expense*
4. *Enables candidate without civic experience to be elected Mayor*
5. *Potential to change dynamics of Sunnyvale government*
6. *Potential to circumvent term limits*
7. *More susceptible to special interests*

City Attorney Kahn reported the list will be provided as an attachment to the agenda with a disclaimer that the points are presented as a summary of discussion points and are not the final decisions of the Charter Review Committee. Kahn reported the document will include the committee’s decision on the issue of compensation to recommend Council compensation be set at the amount currently received by Council, adjusted by CPI capped at five percent.

Discussion regarding the format of the public hearing included:

<ul style="list-style-type: none"> • Suggestion to include on the handout and white board the three issues Council charged the Charter Review Committee with;
<ul style="list-style-type: none"> • Suggestion to make the information available at the podium for speakers;
<ul style="list-style-type: none"> • Suggestions for handling time limits; previous action left this to the discretion of the Chair;
<ul style="list-style-type: none"> • Suggestion that questions of the committee members to the public be made sparingly or limited to requests for clarification or explanation;
<ul style="list-style-type: none"> • Suggestion the intent of the public hearing is to listen, not to engage in dialogue or persuasion;
<ul style="list-style-type: none"> • Suggestion to limit questions to speakers through the Chair;
<ul style="list-style-type: none"> • Suggestion to allow time for committee discussion following the public hearing.

6. **ADJOURN MEETING**

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

VOTE: 11 - 0

Chair Weiss adjourned the meeting at 9:45 p.m.