

APPROVED MINUTES*
SUNNYVALE 2011 CHARTER REVIEW COMMITTEE
MARCH 30, 2011

1. CALL TO ORDER

Chair Weiss called the meeting to order at 6:33 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 Ken Olevson
Committee Member Mathieu Pham (arrived late)
Committee Member Willis (Bill) Ritter

ABSENT: Committee Member Ted Ringel
Committee Member Julia Miller

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

3. PUBLIC COMMENTS

Mei-ling Stefan expressed concerns about a directly-elected mayor and stated support for a previous suggestion from a member of the public to consider as an alternative that the candidate who receives the most votes in an election should become the mayor.

Richard Kolber spoke in support of giving the current system of selecting the mayor more time to prove itself rather than doing a quick change based on one election. With regard to council compensation, Mr. Kolber expressed support for the committee's suggested proposed revision.

Vice Mayor Griffith expressed his appreciation for the Charter Review Committee in taking the time to look at the issues and give the council a sense of what the public thinks. Griffith encouraged the committee to act with caution in considering changing the fundamental way the city is governed or the fundamental way people are attracted to run for office. He stated he would hope if the committee makes recommendations on changes, it is made clear that a problem exists and explain why the recommendations will make the problem better. Griffith stated the compensation issue is important and may take 10-15 years to recoup the cost of what

fixing it through a ballot measure. He stated it is also a leadership issue; it looks bad when employees are being asked to take cuts while the council receives an automatic 5% increase.

4. APPROVAL OF MINUTES

MOTION: Committee Member Hendricks moved and Committee Member Merrick seconded the motion to approve the Charter Review Committee Minutes of March 24, 2011 as submitted.

VOTE: 8 - 0 - 1 (Committee Member Ritter abstained, Committee Members Miller and Ringel absent)
Motion carried.

5. DISCUSSION AND COMMITTEE DECISIONS ON RECOMMENDATIONS FOR SUNNYVALE CHARTER PROVISIONS AND CHARTER LANGUAGE FOR SELECTION OF MAYOR INCLUDING TERM AND TERM LIMITS, AND COUNCIL COMPENSATION

- a. Council compensation
- b. Selection of mayor
- c. Term and term limits

MOTION: Committee Member Hendricks moved and Committee Member Fowler seconded the motion to consider the three items separately.

VOTE: 9 – 0 (Committee Members Miller and Ringel absent)
Motion carried.

Issue: Council compensation

City Attorney Kahn provided a brief report regarding the proposed language for council compensation as based on the committee's previous action. Following discussion, City Attorney Kahn noted suggested revisions: "The compensation of the council and mayor shall increase by a percentage equal to the percentage increase in the preceding year's October twelve-month rolling average of the CPI-U as determined by the United States Department of Labor..." and "However, in no event shall the CPI-U compensation increase exceed (5%) per year, nor result in a decrease."

MOTION: Committee Member Merrick moved and Committee Member Olevson seconded the motion to accept the revisions as noted by City Attorney Kahn.

VOTE: 9 – 0 (Committee Members Miller and Ringel absent)

Issue: Election of mayor

MOTION: Committee Member Ritter moved the committee consider the pros and cons provided today, discuss those and adopt them before proceeding to the issue of whether or not a directly-elected mayor should be recommended by this committee.

Motion died for lack of second.

MOTION: Committee Member Olevson moved and Committee Member Merrick seconded the motion that the committee recommend to the City Council that we do not change the current method of electing the mayor.

FRIENDLY AMENDMENT: Committee Member Fowler offered a friendly amendment that the motion read: "The Charter Review Committee does not recommend changing to a directly-elected mayor."

Committee Member Olevson accepted the amendment.

VOTE: 5 - 4 (Committee Members Ludlow, Pham, Ritter, and Weiss dissented, Committee Members Miller and Ringel absent)

Motion carried.

At 7:58 p.m., the committee broke into two groups to develop draft lists for and against a directly-elected mayor.

Public comment:

Dave Simmons stated a directly-elected mayor helps develop someone who wants to move on to higher office and gives a greater visibility for one person.

The committee reassembled at 8:33 p.m. and presented the draft lists for and against a directly-elected mayor.

Reasons for a directly-elected mayor:

1. Diversity of voices. The youth and minority voices have not been heard; many of the minorities have come here expressly for the right to vote. The last ballot measure was 20 years ago and the city's demographics have changed greatly since then.
2. Transparency and open government. A directly-elected mayor diminishes the possibility of Brown Act violations and of back room dealings. The citizens perform a watchdog function.
3. Empowerment. Democracy is not a spectator sport. People have the right and obligation to choose their leadership by a majority vote.
4. Increases public trust in government. Majority of citizens choose mayor rather than four councilmembers in the "old boys club".
5. Complexity of issues. The mayor's job is much more complex today than it was 20 years ago. A directly-elected mayor will have to persuade voters that he or she has the qualifications and competency to do a good job.
6. Accountability. Candidates to be a directly-elected mayor will have to say what they will do and it is easier to hold him/her accountable.
7. Why do we want to deny our citizens the right to choose whether or not they want a directly-elected mayor?
8. Voter education and outreach. Campaigns for a directly-elected mayor raise voter awareness of important issues and will hold mayor to a higher standard of performance.
9. Visibility. This will increase the visibility of the mayor; many Sunnyvale citizens cannot even name their mayor.
10. The respondents at the public forum and in communications to the Charter Review Committee do not reflect Sunnyvale's demographics.
11. The right to vote is guaranteed by the constitution and cannot be abridged.

Reasons against a directly-elected mayor:

1. Public response overwhelmingly favors existing process as have all prior votes on this subject.
2. Council is fully representative of all Sunnyvale. "If we can't trust them to pick their own leader, what can we trust them with."
3. Council already entrusted with issues of equal or greater import, so there is no reason to select out the mayor.
4. We do not believe that directly-elected mayor would eliminate "back room" deals. Directly-elected mayor would increase political pressure.
5. Current system diffuses political power away from a single individual in favor of whole council.
6. Existing system focuses on existing electorate concerns.
7. "Feeling is strong, but logic is weak." Current mayor selection process facilitates a team approach to effective city oversight.
8. Role of mayor would perceptibly change.
9. Directly-elected mayor should be considered only if role of council, mayor and city manager is to change.
10. Public is fatigued from hearing about this topic.

Issue: Term and term limits

MOTION: Committee Member Merrick moved and Committee Member Olevson seconded the motion for term limits for a directly-elected mayor: no councilmember may serve more than eight years out of twelve; no mayor may serve more than eight years out of twelve; no mayor/councilmember may serve more than ten out of twelve or sixteen out of twenty years in a row.

FRIENDLY AMENDMENT: Committee Member Hendricks offered a friendly amendment that if there is a directly-elected mayor the term would be four years and they could not serve more than two contiguous terms.

The amendment was not accepted.

Discussion included:

<ul style="list-style-type: none">• Clarification that the intent of the motion is that it be a four-year term and to require a two-year break after serving two four-year terms in one office before running for another elective office, or a four-year break within twenty years;
<ul style="list-style-type: none">• Suggestion to make the concept clear by stating the mayor is a separate position and making a discrete point by including a statement that a person could not go directly from two consecutive terms in a council seat to a mayor position or visa versa;
<ul style="list-style-type: none">• Clarification that the motion is not intended to eliminate somebody from running for mayor who has served only one term as councilmember;
<ul style="list-style-type: none">• Suggestion to state that no person who has served as mayor or council shall serve more than ten out of twelve years without a two-year break;
<ul style="list-style-type: none">• Comment that currently, a person who serves four years as a council person and is not re-elected can run again two times within twelve years, while the suggestion would result in a person who runs for council and then runs for mayor would have to wait two years before running again for council which would have the potential to change the current council term conditions;
<ul style="list-style-type: none">• Comment that in the above example, a person who serves four years as a councilmember, then four years as mayor would have to wait two years to run for council again, resulting in

a six year forced break from council to council, which modifies the current council term language that allows a person to serve as a council member eight out of twelve years;
<ul style="list-style-type: none">• Comment that the position is separate, yet it is tied in with the council term;• Suggestion that if it is determined to be a separate position, to not constrain it;• Suggestion for a lifetime maximum of two terms as mayor;
<ul style="list-style-type: none">• Suggestion that this would allow for twenty-four years of continuous service: eight as council, eight as mayor followed by eight as council.

Committee Member Merrick called for the question on the motion on the table at 9:36 p.m.

MOTION RESTATED: Committee Member Merrick restated the motion and added the term of the directly-elected mayor is defined as four years; no councilmember may serve more than eight years out of twelve; no mayor may serve more than eight years out of twelve; no mayor/councilmember may serve more than ten out of twelve or sixteen out of twenty years in a row.

VOTE: 1 - 7 - 1 (Committee Members Hendricks, Hughes, Ludlow, Olevson, Pham, Ritter, and Weiss dissented, Committee Member Fowler abstained, Committee Members Miller and Ringel absent)
Motion failed.

By consensus the committee agreed that if there is a directly-elected mayor, the term should be four years.

MOTION: Committee Member Merrick moved and Committee Member Ludlow seconded the motion that the term of directly-elected mayor is four years and the directly-elected mayor will be eligible to serve a lifetime maximum of two terms.

VOTE: 8 - 1 (Committee Member Hughes dissented, Committee Members Miller and Ringel absent)
Motion carried.

MOTION: Committee Member Merrick moved and Committee Member Ludlow seconded the motion that no individual may serve on the council/mayor for combined terms of more than sixteen of twenty years.

VOTE: 6 - 3 (Committee Members Hendricks, Hughes, and Ritter dissented, Committee Members Miller and Ringel absent)
Motion carried.

6. ADJOURN MEETING

MOTION to ADJOURN: Committee Member Merrick moved and Committee Member Ludlow seconded the motion to adjourn.

VOTE: 8 - 1 (Committee Member Hendricks dissented, Committee Members Miller and Ringel absent)
Motion carried to adjourn.

Chair Weiss adjourned the meeting at 10:06 p.m.

Kathleen Franco Simmons
City Clerk

Date