

CITY CLERK'S RECORD OF PROCEEDINGS
DRAFT MINUTES
OF FINAL MEETING OF THE
SUNNYVALE 2011 CHARTER REVIEW COMMITTEE
APRIL 7, 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 (arrived at 7:30 p.m.)
Committee Member Patrick Hughes
Committee Member Tappan Merrick
Committee Member Julia Miller
Committee Member Ken Olevson
Committee Member Ted Ringel
Committee Member Willis (Bill) Ritter

ABSENT: Committee Member Mathieu Pham

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

3. PUBLIC COMMENTS

None at this time.

4. APPROVAL OF MINUTES

Committee Member Fowler and Chair Weiss noted several minor corrections.

MOTION: Committee Member Merrick moved and Committee Member Ritter seconded the motion to approve the Charter Review Committee Minutes of March 30, 2011 as amended.

VOTE: 7 - 0 - 2 (Committee Member Miller and Ringel abstained, Committee Member Pham and Hendricks 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. Discussion and approval of draft Committee Report

Discussion included:

<ul style="list-style-type: none">• Comments that committee members are not all in agreement with all of the reasons listed for or against a directly-elected mayor;
<ul style="list-style-type: none">• Clarification that the report states the rationale for both the majority and minority votes were drafted by the respective groups of committee members voting against and for a change to directly-elected mayor;
<ul style="list-style-type: none">• Request to include a statement that the signatures on the report are by members of the Charter Review Committee who participated in the process but that the individual members are not necessarily in agreement.

MOTION: Of the five members who developed the list of "Reasons for Not Changing to a Directly Elected Mayor" Committee Member Olevson moved and Committee Member Merrick 2nd seconded the motion to remove the statement "Feeling is strong, but logic is weak".

VOTE: 4 – 0 (Committee Members Fowler, Olevson, Merrick, and Hughes approved, Committee Member Hendricks absent)
Motion carried.

Through additional discussion by the committee and by consensus of the group who voted in the majority to recommend against changing to a directly-elected mayor, the list of "Reasons For Not Changing to a Directly-Elected Mayor" was revised as follows:

- Public response overwhelmingly favors the existing process as have all prior decisions on this subject.
- Council represents all of Sunnyvale. If we can't trust them to pick their own leader, what can we trust them with?
- Council already entrusted with decisions of great importance. There is no reason to treat the selection of the Mayor differently.
- We do not believe that a directly-elected Mayor would eliminate "back room" deals. A directly-elected Mayor would increase political pressure.
- Current system diffuses political power away from a single individual in favor of the whole council.
- Existing system focuses on existing electorate concerns.
- Current Mayor selection process facilitates a team approach to effective city oversight.
- Role of Mayor would perceptibly change.
- Directly elected Mayor should be considered only if role of Council, Mayor, and City Manager is to change.
- Public is fatigued from hearing about this topic.

Through discussion by the committee and by consensus of the group who voted in the minority to recommend against changing to a directly-elected mayor, the list of "Reasons For Changing to a Directly-Elected Mayor" was revised as follows:

- Diversity of voices. The Committee did not receive input reflective of the City's demographics. Many of the minorities have come to the United States expressly for the right to vote. The last time the public had the opportunity to change to a directly-elected mayor was 20 years ago (1991) and the city's demographics have changed greatly since then.
- 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.
- Empowerment. Democracy is not a spectator sport. People have the right and obligation to choose their political leadership by a majority vote.
- Increases public trust in government. Majority of voters choose Mayor rather than four council members in the "old boys' club".
- Complexity of issues. The Mayor's job is more complex today than it was 20 years ago. A directly-elected Mayor will have to persuade voters that he/she has the qualifications and competency to do a good job.
- Accountability. Candidates for a directly-elected mayor must have a strong platform, therefore it will be easier to hold them accountable. Why do we want to deny our citizens the right to choose whether or not they want a directly-elected Mayor?
- 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.
- Visibility. A directly-elected mayor will increase the visibility of the position; many Sunnyvale citizens cannot name their Mayor.
- The respondents at the public forum and in communications to the Charter Review Committee do not reflect Sunnyvale's demographics.
- The Constitution guarantees every citizen the right to vote. The citizens of Sunnyvale should have the opportunity to vote for Mayor.

MOTION: Committee Member Olevson moved and Committee Member Merrick seconded the motion to add the committee recommends that there be no waiting period between service as a councilmember and service as a mayor.

VOTE: 10 – 0 (Committee Member Pham absent)
Motion carried.

MOTION: Committee Member Ringel moved and Committee Member Olevson seconded the motion to amend the previous motion that there is no *required* waiting period between service as a councilmember and service as a mayor.

VOTE: 7 - 2 (Committee Members Miller and Ritter dissented, Committee Members Ludlow and Pham absent)
Motion carried.

Compensation recommendation from page 9 of the draft report:

MOTION: Committee Member Ringel moved for acceptance as written. Committee Member Ludlow seconded the motion.

Discussion included:

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| <ul style="list-style-type: none">• Suggested revision of the recommendation as follows: “The automatic 5% annual salary increase shall be removed. Council and Mayor’s salaries should be set at the current 2011 amounts and increased, if at all, by the preceding October’s twelve-month rolling average percentage change in the Consumer Price Index-U for the San Francisco-San Jose-Oakland area. In no event shall the annual increase exceed 5%, and the salary shall not be decreased if there is a negative CPI index change.” |
| <ul style="list-style-type: none">• Suggestion to remove “if there is a negative CPI index change” |

AMENDED MOTION: Committee Member Ringel moved to amend the motion accordingly. Committee Member Merrick seconded the amended motion.

AMENDED MOTION: Committee Member Olevson moved to amend the motion to remove the “rolling average” phrase from the statement.

RESTATED: “The automatic 5% annual salary increase shall be removed. Council and Mayor’s salaries should be set at the current 2011 amounts and increased, if at all, by the preceding October’s annual percentage change in the Consumer Price Index-U for the San Francisco-San Jose-Oakland area. In no event shall the annual increase exceed 5%, and the salary shall not be decreased.”

VOTE: 10 – 0 (Committee Member Pham absent)
Motion carried.

b. Discussion and direction on presentation to Council of Report

MOTION: Committee Member Ringel moved and Committee Member Ludlow seconded the motion that the Chair will present the final report to Council.

VOTE: 10 – 0 (Committee Member Pham absent)
Motion carried.

MOTION: Committee Member Ringel made a motion to thank and compliment City Attorney David Kahn and City Clerk Kathleen Franco Simmons for their excellent support to the Committee in negotiating the difficult issues addressed. Committee Member Merrick seconded the motion.

VOTE: 10 – 0 (Committee Member Pham absent)
Motion carried.

PUBLIC COMMENT:

Fred Fowler stated Committee members have approached this process very carefully, have been respectful of each other, have been thoughtful and have done a fine job.

6. ADJOURN MEETING

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

VOTE: 10 - 0 (Committee Member Pham absent)
Motion carried to adjourn.

Chair Weiss adjourned the meeting at 9:00 p.m.

Kathleen Franco Simmons
City Clerk

Date