

MEASURE A

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE A

The Sunnyvale City Charter currently provides that the City's General Municipal Election to elect Councilmembers shall be held in November of each odd-numbered year. This measure would amend Article XIV, Section 1400 of the Charter to change the date of the General Municipal Election from odd to even-numbered years, beginning in November 2016. This measure would also amend Charter Article VI, Section 601 to provide a one-time, one-year extension of Councilmember terms, and Section 605 to create a one-time, one year transitional mayoral term.

The stated purpose of changing to even-numbered year elections is to reduce the City's election costs by consolidating the City's elections with countywide and statewide elections, which are held in even-numbered years. According to the County Registrar of Voters Impact Analysis, election costs vary depending on the number of jurisdictions participating and sharing in an election. Because more jurisdictions participate in even-numbered year elections, the costs for even-numbered year elections are lower than in odd-numbered years.

The Registrar estimated that an election in 2016 would cost approximately \$350,707, while an election in 2015 would cost between \$394,546 and \$526,061, depending on how many other jurisdictions participated in the election. Based on this, the City would likely realize a cost savings of approximately \$43,839 to \$175,354 per general election. The Registrar has also stated there would be a one-time cost to the City of approximately \$20,000 to process the changes to the County's election information management system.

The purpose of the provisions to extend the terms of City Councilmembers by one year, for a total term of five years rather than four, is to implement the change to even-numbered election years. If this measure passes, Councilmembers currently in seats 4, 5, 6 and 7 whose term would have expired after the 2015 election would have their term extended until their successors are elected and seated after the November 2016 election. Likewise, Councilmembers elected to seats 1, 2 and 3 at the November 2013 election shall serve until the November 2018 election. Councilmembers elected in November 2016 and subsequent elections will resume serving four year terms consistent with existing Charter provisions.

Similarly, the purpose of creating a one year mayoral term for January 2016 through January 2017 is to implement the change to even-numbered election years. This measure would amend Charter Section 605 to allow the City Council to select a member to serve a one year transitional mayoral term from the first meeting in January 2016 until the first meeting in January 2017, following the general municipal election held in November 2016. Thereafter the two year mayoral term would resume.

The change to even-year elections would delay by one year the ability to place revenue-raising measures on the ballot because such measures must coincide with regular general municipal elections.

These Charter amendments will become effective if a majority of those voting on the measure vote "yes" for the amendment.

/s/ Joan A. Borger
City Attorney

COMPLETE TEXT OF MEASURE A

PROPOSED AMENDMENTS TO THE CITY CHARTER OF THE CITY OF SUNNYVALE

The City Council of the City of Sunnyvale, on its own motion, submits to the electors the following amendments to the City Charter of the City of Sunnyvale. The City Council has called a Special Municipal Election to be held on Tuesday, November 5, 2013, for the purpose of voting on the City Charter amendments.

The proposed amendments to the City Charter of the City of Sunnyvale follow the statement of the measures. The provisions of the City Charter proposed to be deleted are printed as ~~strike-out~~ type, and the new provisions proposed to be added to the City Charter are printed as underlined type.

CITY OF SUNNYVALE CHARTER MEASURE A

To help reduce the City's elections costs through consolidation with County and State elections, shall the Sunnyvale City Charter be amended to change the City's general municipal elections from odd-numbered years to even-numbered years, with the next general municipal election scheduled for 2016, and to provide a one time, one year extension to councilmember terms, and create a temporary one year mayoral term to enable the transition to even-numbered year elections?

Yes _____

No _____

If Measure A carries, the City Charter of the City of Sunnyvale shall be amended by amending Sections 601 and 605 of Article VI (The Council) and Section 1400 of Article XIV (Elections) to read as follows:

Section 601. Term and Election.

Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four years. The term shall commence at the first regular meeting in January, at which the City Council shall certify the election results, and shall continue until a successor is elected and qualified.

The office of each member of the Council is a separate elective office to be separately filled at any election.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number ____." The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.

Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 1979 and every fourth year thereafter.

COMPLETE TEXT OF MEASURE A - Continued

Commencing in 2016, Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in 2016, and every fourth year thereafter, and Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in 2018, and every fourth year thereafter.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 4, 5, 6 and 7, whose term of office would have expired in January 2016 when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2017.

Notwithstanding the four year City Councilmember term limit set forth above, City Councilmembers in Seats 1, 2, and 3, whose term of office would have expired in January 2018, when their successors were elected and qualified, shall continue in their offices an additional year until their successors are elected and qualified at the first regular meeting in January 2019.

Section 605. Presiding Officer. Mayor.

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and at the first regular meeting in January every two years thereafter, the City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. Such selection shall be by motion of the City Council. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor shall serve in such capacity for a term of two years from and after which the appointment is made, and until a successor is selected; provided, that a person can continue to serve in the capacity of Mayor only while that person remains as a member of the City Council. In the event of a vacancy in the office of Mayor, the City Council shall select one of its members to serve as Mayor for the remainder of the unexpired term.

Notwithstanding the two year term set forth above, in order to facilitate the transition to even year elections, the Councilmember selected to serve as Mayor at the first regular meeting in January 2016 shall serve a one year term rather than a two year term. Commencing with the January 2017 selection, the two year mayoral term will resume in accordance with the paragraph above.

The Mayor may be removed from such office prior to expiration of his/her term by a motion of the City Council adopted by the affirmative votes of at least five members of the City Council.

Section 1400. General Municipal Elections.

A regular election to fill elective offices shall be held in the City of Sunnyvale on the first Tuesday after the first Monday in November of each even-numbered year, commencing with the year 2016, and the same shall be known as the General Municipal Election. All other municipal

COMPLETE TEXT OF MEASURE A - Continued

elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections.

~~There shall be a General Municipal Election to fill elective offices in the odd-numbered years on the date established under General Law for the election of governing board members of elementary school districts.~~

ARGUMENT IN FAVOR OF MEASURE A

Paying the extraordinary cost of holding elections is a responsibility of city government. But that cost changes dramatically depending upon the year the city chooses to hold them. Each public jurisdiction must pay its share of the election costs for any given year. Six years ago, only five of the fifteen cities in our county held elections in odd years. Since then, Cupertino, Gilroy, Los Altos, and Palo Alto have joined the others and switched to even years, leaving Sunnyvale as the only city remaining with odd-year elections.

Sunnyvale elections have become much more expensive because there is no city left with whom to split the cost. The Registrar of Voters estimate of our base cost this year (not including ballot measures) is approximately \$400,000. The projected base cost for city elections held in 2014, an even year, is less than \$200,000. Sunnyvale voters must amend the City Charter to move our elections to even years so that we no longer have to pay hundreds of thousands of dollars more than all the other cities for our elections.

Switching will have an additional benefit: more registered Sunnyvale voters will vote in city council elections. The average Sunnyvale turnout in even years is 75.1%. In odd year City Council elections it is 39.5%. Thousands more voters will participate, making our election results more representative of our city. The four cities that recently made the switch have experienced dramatic increases in voter turnout—in one case, more than double.

Measure A will increase voter participation while cutting the city's election costs in half. That is the reason why we strongly support Measure A. Please support this Measure.

/s/ Christopher R. Moylan
Councilmember, City of Sunnyvale

/s/ Anthony Spitaleri
Mayor, City of Sunnyvale

/s/ James R. Griffith
Vice Mayor, City of Sunnyvale

/s/ Lawrence E. Stone
County Assessor, former Sunnyvale Mayor

NO ARGUMENT AGAINST MEASURE A WAS SUBMITTED
