

CITY OF SUNNYVALE

MEASURE B

Shall Article VI of the City of Sunnyvale Charter be amended to establish "by-district" elections for six Council members required to be residents of a district and elected only by the voters of that district, and one Mayor who will be directly elected by all City voters; change term limits to permit service on the Council for three consecutive terms but only two as Council member or Mayor; and make other conforming amendments?

YES
NO

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B

The City Council placed Measure B on the ballot to ask voters if the City Charter should be amended to change how the City elects councilmembers.

Historically, Sunnyvale's seven City councilmembers have been elected in an "at-large with numbered seats" system, meaning each is elected to a specific seat by the voters of the entire City and can live anywhere in the City. The Council selects one of its members to serve as Mayor for a two-year term.

Agencies throughout California with at-large election systems have been increasingly threatened with lawsuits under the California Voting Rights Act ("CVRA") claiming at-large systems illegally dilute minority votes, and impair the ability of minority groups to elect candidates of their choice because of racially polarized voting. In September 2018, the Council reviewed the legal risk from the CVRA and initiated a public process for input on transitioning to district-based elections to avoid potential CVRA issues. In October 2018, the City received a Notice of CVRA Violation from potential plaintiffs alleging the City's at-large system dilutes the voting strength of Asian American voters. After months of City outreach and public input on the change and establishing district boundaries, the Council placed Measure B on the ballot.

Measure B proposes three key changes to Charter Article VI:

- (1) Six city council districts. Measure B would establish six City Council electoral districts. Voters of each district would elect one councilmember who must live in that district. The Council adopted an ordinance establishing the district boundaries that will become effective if Measure B passes.
- (2) Mayor directly elected. Measure B would establish a directly elected Mayor with a four-year term. The Mayor could live anywhere in the City and all voters would vote for the Mayor regardless of where they live.
- (3) Increase total term limits. Currently, City councilmembers may not serve more than two consecutive four-year terms. Measure B would allow members to serve up to three consecutive four-year terms, with no more than two terms as councilmember or mayor.

A "YES" vote means you want to change the City's electoral system from "at-large with seven numbered seats" to "by-district" with six councilmember districts and a directly elected Mayor. Three districts and the Mayor office will be on the November 2020 ballot. Current

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B-Continued

councilmembers with time remaining in office will continue to serve until they complete their respective terms. The other three districts will be on the 2022 ballot.

A "NO" vote means you want the City to retain its at-large with numbered seats electoral system with the Mayor selected by the Council.

The existing at-large system was the reason for the Notice of CVRA Violation. If Measure B fails and a CVRA lawsuit is filed, the lawsuit could propose a remedy requiring the City to change to by-district elections. The outcome of such a challenge would depend on many factors, some of which are unknown.

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

John A. Nagel
City Attorney

COMPLETE TEXT OF MEASURE B

The provisions of the City Charter of the City of Sunnyvale to be deleted are printed in ~~strikeout~~ type, and the new provisions to be added are printed in underscore type.

The City Charter of the City of Sunnyvale shall be amended by amending Article VI (The Council) to read as follows:

Section 600. Elective Officers of the City.

- (a) The elective officers of the City shall consist of a City Council composed of seven members, consisting of six Council members and a Mayor.
- (b) The term "City Council," "Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and six City Council members unless another provision of this Charter or other law expressly provides to the contrary.

Section 601. Term and Election.

- (a) Commencing with the general municipal election of November 2020, the City Council members shall be residents of their respective Districts, as established pursuant to Section 602, and nominated and elected only by the voters of their respective Districts. The Mayor shall be directly elected by the voters of the City. The elective officers shall be elected at the times and in the manner provided in this Charter. Notwithstanding any other provision of this Charter, members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms.
- (b) The Mayor and ~~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.
- (c) The offices of Mayor and each member of the Council is are separate elective offices 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.

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.

COMPLETE TEXT OF MEASURE B-Continued

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 602. Transition to City Council Districts.

District-based elections established in accordance with this section shall commence in the November 2020 general election. To elect the members of the City Council commencing with the November 2020 general municipal election, the City shall be divided into single-member districts equal in number to the number of City Council members, exclusive of the Mayor (each such district a "District" and, collectively, "Districts"). The City Council shall by ordinance establish the names and respective boundaries of the Districts that shall be used for the election of the Council members, and the transition plan from at-large elections to District elections. The Districts shall comply with applicable laws and such other permissible criteria as the City Council may specify.

Section ~~602~~603. Qualifications.

- (a) No person shall be eligible to hold office as the Mayor a member of the City Council unless he/she shall be a registered voter of the City at the time of and for the thirty-day period his/her nomination or appointment immediately preceding filing of his or her nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her appointment to such office, and throughout the full term of his or her office, if elected or appointed.
- (b) No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the District at the time of and for the thirty-day period immediately preceding filing of his or her nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her appointment to such office, and throughout the full term of his or her office, if elected or appointed.
- (c) Notwithstanding any other provision of law, a candidate shall not file nomination papers for more than one City elective office for the same election. No person shall be a candidate for more than one elective office. No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

Section 604. Term limits.

- (a) No person shall be eligible to serve as Mayor or a member of the Council for more than ~~two~~ three successive four-year elective terms, of which no more than two terms can be as mayor and no more than two terms can be as a member of the Council.
- (b) Any person who has served ~~two~~ three successive four-year elective terms as Mayor or member of the Council as permitted by this subsection (a) above shall not serve again until at least four years have passed since that person last held office. Any Mayor or member of the Council elected or appointed to a term of two years or more shall constitute a four-year elective term for the purposes of this section. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four year terms after the expiration of the unexpired term which he/she filled.

COMPLETE TEXT OF MEASURE B-Continued

(c) Any person who serves a four-year elective term and is either not re-elected or does not run for re-election for a second or third successive term is eligible to serve after two years have passed since that person last held office as Mayor or Councilmember, but is not eligible to run for a second successive term. Subject to the provisions of subsection (a) above, Any person may serve as Mayor or Councilmember for eight twelve years in any twelve sixteen-year period, unless elected or appointed to serve an unexpired term of less than two years in length as provided in this section.

Section 6053. Compensation.

[Renumbered; text unchanged].

Section 6064. Vacancies.

(a) In addition to any other cause from which vacancies in the City Council may occur, the office of the Mayor or a member of the Councilmember shall become vacant when a member that official:

- (1) Resigns or dies;
 - (2) Is absent from all regular meetings of the Council for a period of sixty days consecutively from and after the last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes;
 - (3) Is convicted of a crime involving moral turpitude;
 - (4) Ceases to be an elector of the City of Sunnyvale;
 - (5) Ceases to maintain his/her principal place of residence within the City limits, and/or within the applicable District boundaries for a member elected by District, during such member's official's term of office; or
 - (6) Is involuntarily removed pursuant to Article II of the Constitution of the State of California, as may be amended from time to time.
- (b) In the event of a vacancy on the City Council in the office of Mayor or Councilmember, the Council shall officially declare the seat office vacant within thirty days of the commencement of any vacancy.
- (c) Within sixty days of the date the seat office is officially declared vacant, the City Council shall, by affirmative vote of at least four of the remaining Councilmembers, elect to fill the vacancy by appointment or by calling an election.
- (d) If the vacancy is filled by appointment, the appointee shall hold office until the next General Municipal Election or Special Municipal Election consolidated with the next statewide election, whichever occurs sooner, and a successor is elected and qualified. The Councilmember then elected shall serve for the remainder of any unexpired term, and until a successor is elected and qualified.
- (e) The City Council shall adopt an ordinance establishing a public process for appointment.
- (f) If the City Council elects to fill the vacancy by election or fails to fill the vacancy by appointment, it shall call an election to be held within two hundred and forty days of the date the vacancy is declared.
- (g) Notwithstanding any other provision of this section, the City Council shall not make an appointment to fill a vacancy if the appointment would result in more than two Council of the members or one Councilmember and the Mayor currently serving on the Council as appointees, and shall call a Special Municipal Election to be held within one hundred and eighty days from the date the Council declares the vacancy.

Section 6075. Presiding Officer. Mayor.

At the first regular meeting in January, at which the City Council shall

COMPLETE TEXT OF MEASURE B-Continued

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 be the presiding officer of the City Council and 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 6086. Vice Mayor.

[Renumbered; text unchanged].

Section 609. Redistricting.

(a) Following each decennial federal census, and at other such times as provided by law, the boundaries of any or all the Districts of the City shall be adjusted so that the Districts shall be as nearly equal in population as may be, consistent with law applicable to the creation and rearrangement of the boundaries of local districts.

(b) The City Council shall adopt an ordinance establishing a public process for redistricting. Such ordinance shall be adopted in sufficient time for redistricting following release of the 2020 federal Census.

(c) No change in the boundary of any District shall abolish or terminate the term of office of any City Council member prior to the expiration of the term of office for which the member was elected or appointed in lieu of election, notwithstanding any other provision of this Article.

Section 607610. Powers.

[Renumbered; text unchanged].

Section 608611. Regular Meetings.

[Renumbered; text unchanged].

Section 609612. Special Meetings and Emergency Meetings.

[Renumbered; text unchanged].

Section 610613. Place of Meetings.

[Renumbered; text unchanged].

Section 611614. Quorum.

[Renumbered; text unchanged].

COMPLETE TEXT OF MEASURE B-Continued

Section ~~6126~~15. Election and Qualification of Councilmembers.
[Renumbered; text unchanged].

Section ~~6136~~16. Proceedings.
[Renumbered; text unchanged].

ARGUMENT IN FAVOR OF MEASURE B

Sunnyvale City Council voted in September of 2018 to move our city to district-based elections. The city subsequently received notice from a potential plaintiff alleging the City's at-large electoral system violates the California Voting Rights Act ("CVRA") and Sunnyvale must move to district elections.

Your "YES" vote will create six districts to ensure that all parts of Sunnyvale are evenly represented on city council. Most importantly, the map and sequencing selected by Council satisfy the safe harbor provisions of the CVRA, protecting the City against CVRA lawsuits.

Today, candidates run citywide. That means that at times a majority of Councilmembers could be concentrated in one neighborhood. With six districts, Sunnyvale residents will always be more evenly represented geographically.

The City's mapping process enabled members of the public to develop, propose, and refine district maps. Council's chosen "Unity Map" was submitted by a coalition of diverse community members from 20+ geographic neighborhoods and areas of interest throughout the City.

Many experts believe districts improve the quality and diversity of candidates in elected office.

Measure B will also allow voters to select their Mayor as opposed to the Mayor being appointed by Councilmembers as is currently done. The role and duties of the Mayor/Councilmembers would remain unchanged. A directly elected Mayor will represent the interests of the entire city and be accountable to all Sunnyvale residents, while ensuring every resident has two directly elected representatives on Council.

We ask you to join us as we create six districts and a directly elected mayor for Sunnyvale.

This is the right plan for our city and our future.

Please vote "YES" on Measure B to improve representation and diversity on Sunnyvale City Council.

Galen Kim Davis

Nancy S. Tivol
Former Sunnyvale Community Services Executive Director

Murali Srinivasan
President, Leadership Sunnyvale

Sue D. Serrone
Chair Livable Sunnyvale

Larry Klein
Sunnyvale Mayor

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Vote **NO on B** for more diverse, locally representative government.

Keep our council-selected mayor process with 7 single-member districts. **Ensure our mayors are responsive to Sunnyvale communities**, not out-of-town interests—a council of neighbors who care about playgrounds, baseball and cricket fields—quality of life.

Sunnyvale's 99% certain to have district elections in November 2020. Over 100 cities have gone to districts, most by ordinance, some by court order. Santa Clara County courts only accept districts. When Measure B fails, 7 districts will **almost definitely** be court ordered, respecting our charter.

When Santa Clara's ballot measure failed in June 2018, district elections, with new maps, occurred in November 2018! The judge was concerned an at-large mayor wouldn't satisfy the CVRA—allowing it only because Santa Clara already had one.

Measure B creates huge ongoing negative impacts on Sunnyvale and our communities.

Councilmembers voting no on the 6+1 plan cited public opposition. The majority of the public in polling and comments strongly opposed an at-large mayor. Many, including some from the "Unity Group", wanted 7 districts yet the council majority denied voters' right to choose.

The proponents say their plan means 2 representatives; we say Measure B means one neighborhood representative and **another elected by out-of-town money**.

Measure B creates conflict between mayor and council, disrupting the collaboration that's made Sunnyvale famously well run. Measure B doubles the mayor's term to 4 years.

Vote NO on Measure B—7 districts for maximum local representation to "your needs", not the politicians'.

www.NoDirectlyElectedSunnyvaleMayor.org

Michael Goldman
Councilmember, City of Sunnyvale

Stephen Scandalis
Principal Officer, No Directly Elected Sunnyvale Mayor

Jeannine Avila Pierce
Sunny Arts Resident

Charles J. Olson
Sunnyvale Orchardist

Zhu Liang
Researcher

ARGUMENT AGAINST MEASURE B

We welcome district elections to enable local neighborhoods to elect council candidates of their choice without big financial backing, but **not** by Measure B.

We oppose a directly elected mayor, who will gradually gain power over other council members. Since 2007 citywide elections costs have dramatically increased. In 2018, each winning campaigns' costs exceeded \$110,000, most from PACs and wealthy outside interests.

Measure B is a one-way street to have PAC-selected mayors forever. Rich developers' money **won't** guarantee council seats in local district elections. They hope to buy the mayoralty instead.

Sunnyvale's council-city manager government has served us well since 1912. We reduce corruption by professionalizing management. Sunnyvale is famously well run—why change?

For over 33 years Sunnyvale's voters have rejected a directly elected mayor, by 63% in the second (2011) ballot. Now politicians hope voters, attracted to districts, approve the *unrelated* directly elected mayor provision.

Sunnyvale's council *refused* to give voters a choice between 7 districts and 6 districts plus mayor. They *refused* to convene a Charter Review Committee. By **rejecting** Measure B we create the opportunity for seven districts for November of 2020.

- This measure extends maximum term limits from 8 to 12 years.
- Currently, removing a mayor requires only a council vote. Measure B may force expensive special elections.
- One seat going to an at-large mayor reduces representation of underrepresented communities.

This is the "foot-in-the-door" leading to disruptive politics like San Francisco's where a powerful mayor can veto measures, remove elected officials, and fill elected vacancies on their own.

Do we need the political paralysis of billionaire-backed mayors fighting against neighborhood-elected councils? Let's focus on problems of traffic, rents, and infrastructure!

Demand 7 Single-Member Districts in Sunnyvale, No Directly Elected Sunnyvale Mayor.

Vote NO on Measure B

ARGUMENT AGAINST MEASURE B-Continued

Please visit www.NoDirectlyElectedSunnyvaleMayor.org

Michael Goldman
Councilmember, City of Sunnyvale

Mei-Ling Shek-Stefan
Co-Founder, No Directly Elected Sunnyvale Mayor

Craig Pasqua
Former Chair of Sunnyvale Parks and Recreation Commission, Co-Host
of Native Voice TV, Executive Board Member La Raza Roundtable de
California

Lan Xu
Founding member of Save My Sunny Sky Group

Nambi Sankaran
Birdland resident

REBUTTAL TO ARGUMENT AGAINST MEASURE B

The arguments from the No on B Campaign are not factual.

The six-district "**Unity Map**" selected by Council satisfies the CVRA, protects the City against further litigation, and will improve diversity on Council. There is no guarantee whatsoever that the City would end up with seven districts if Measure B is voted down. Instead, the issue would likely be determined by the courts.

Measure B does not in any way change the *role* of the Mayor. Like many other cities with directly elected mayors, Sunnyvale will retain the *council manager* form of government that has served our community so well. The Mayor will continue to be an equal voting member of Council, and Council will continue to set policy for our City. The City Manager will continue to be responsible for carrying out those policies.

With district elections, it is desirable to have one member of Council accountable to the entire City. This also means that every resident will have *two* representatives on Council: their Councilmember and their Mayor. Residents will always have the direct attention of both their district Councilmember and their Mayor, because residents will directly elect both.

Finally, to claim that a directly elected mayor will be "bought" is an insult to Sunnyvale's voters. Sunnyvale voters are independent, well informed, and knowledgeable about the voting decisions they make. Sunnyvale voters cannot be bought.

Please visit www.svelections.org to learn why Measure B is right for Sunnyvale.

Reid Myers

Margaret W. Lawson

Linda Sell

Jennifer Tasseff
Member of Multiple Community Groups

Richard Mehlinger