

APPROVED MINUTES*
SUNNYVALE 2011 CHARTER REVIEW COMMITTEE
FEBRUARY 17, 2011

1. CALL TO ORDER

Chair Weiss called the meeting to order in Library Program Room A at 6:35 PM.

2. ROLL CALL

PRESENT: Committee Chair Weiss Carol Weiss
Committee Vice Chair Carol Ludlow
Committee Member Terry Fowler
Committee Member Glenn Hendricks
Committee Member Tappan Merrick
Committee Member Julia Miller
Committee Member Ken Olevson
Committee Member Mathieu Pham
Committee Member Ted Ringel
Committee Member Willis (Bill) Ritter

ABSENT: Committee Member Patrick Hughes

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

Chair Weiss presented for consideration a request that decisions be made by a majority vote rather than by consensus.

MOTION: Committee Member Merrick moved and Committee Member Miller seconded the motion that decisions be made by a majority vote of the members present.

VOTE: 10 - 0 (Committee Member Hughes absent)

Brief discussion was held regarding the schedule of meetings, a date to hold the public forum/public hearing, and the agenda of topics for the forum. Without objection, it was agreed to postpone setting the date for the public hearing until later in the meeting.

3. PUBLIC COMMENTS

None.

4. APPROVAL OF MINUTES

Committee Member Miller stated she would abstain from voting on the approval of the minutes as she was not present at that meeting.

MOTION: Committee Member Merrick moved and Committee Member Olevson seconded the motion to approve the Charter Review Committee Minutes of February 7, 2011 as submitted.

VOTE: 9 - 0 (Committee Member Hughes absent, Committee Member Miller abstained)

5. DISCUSSION AND RECOMMENDATIONS ON SUNNYVALE CHARTER PROVISIONS AND CHARTER LANGUAGE FOR SELECTION OF MAYOR

a. Discussion of pros and cons of a directly-elected mayor.

Comments, questions and concerns included:

<ul style="list-style-type: none">• If it isn't broke, why fix it?
<ul style="list-style-type: none">• A directly-elected mayor would provide better representation; a four-year mayor carries more weight;• There is a divide between growth interests and those who believe things are ok; a directly-elected mayor would represent the interests of the voters;
<ul style="list-style-type: none">• The committee's assignment will be to consider whether to keep the two-year mayor as-is; go back to how it was previously with a one-year rotating mayor; extend the two-year mayor to a four-year term, selected by the seven Council members; or put a charter amendment on the ballot to change to a directly-elected mayor and identify one of the seven Council seats that would be the directly-elected mayor's seat;
<ul style="list-style-type: none">• The previous committee suggested one reason they did not want a directly-elected mayor was because it may be more beneficial to have someone who has experience serving on the city council and would be more knowledgeable;
<ul style="list-style-type: none">• A person running for directly-elected mayor may not necessarily be unqualified; sitting council members would be eligible to run for directly-elected mayor;
<ul style="list-style-type: none">• When the council selected the mayor for a one-year term there was effectually a rotation system; now with the two-year term there potentially are more politics;
<ul style="list-style-type: none">• The politics with a one-year mayor was based on seniority; the most senior member of Council who had not served as mayor, and if two members were elected at the same time, the Council member who had the most votes and received four votes; when the charter was changed three years ago, the seniority requirement was removed;• We are only in the second term of a two-year mayor; Why is the vice mayor a one-year term? Shouldn't it be a tag team between the mayor and vice mayor?• When somebody new becomes vice mayor, it gives them training and makes them more competitive for filling the mayor's slot; this creates potential for political maneuvering;
<ul style="list-style-type: none">• A review of the input from staff, public and council in '87, '91, '96, and 2006 did not produce any reason given as to what was wrong with the selection of the mayor by the council; what is wrong with the present system?
<ul style="list-style-type: none">• It doesn't have to be broken to be improved upon; consideration of the question

<p>shouldn't be based upon a finding that something is broken;</p> <ul style="list-style-type: none"> • Governments are well-served when representatives are elected by the people; to restrict election of mayor to the view of six or seven council members may not be the most perfect way to determine who the mayor is;
<ul style="list-style-type: none"> • Changing the way the mayor is elected has implications on the role of the mayor and suggests we are changing the role and responsibilities; • We have a representative form of government in which we elect the council and those seven people make all the other votes on what the city does; why is selecting one of them as mayor, who does not have radically different responsibilities from the rest of the council any more singular than a budget or other decision? • There may be unintended consequences of changing to a directly-elected mayor;
<ul style="list-style-type: none"> • The directly-elected mayor would have the same responsibilities as the two-year or one-year mayor: they are the spokesperson for the city, the ambassador for the city, they are invited first for all public appearances and ribbon-cuttings, they work with the city manager on setting the agenda; the compensation is different because it is set that way in the charter; • If this committee recommends a four-year mayor, it would also have to choose between a four-year mayor elected by the seven council members or by the community at-large; • A directly-elected mayor who does a good job and could serve for eight years would have more leverage on the state and national level to bring recognition and funding to Sunnyvale;
<ul style="list-style-type: none"> • The directly-elected mayor is a position of prominence; the public has a right to elect someone who has that kind of presence;
<ul style="list-style-type: none"> • A four-year mayor could possibly bring more dollars to Sunnyvale as they could play a greater role in the U.S. Mayor's Conference;
<ul style="list-style-type: none"> • In the first quarter of 1991, venture capital invested in Bay Area cities with Council/Manager forms of government was six times greater than that of cities with directly-elected mayors, which would dispute the previous argument;
<ul style="list-style-type: none"> • Running in an election is costly; if a change is made, it should be to a four-year mayor;
<ul style="list-style-type: none"> • If a currently sitting council member is elected mayor, the city would incur the cost of a special election to fill the seat vacated;
<ul style="list-style-type: none"> • We need to frame a better definition of what the mayor does and doesn't do;
<ul style="list-style-type: none"> • The mayor would be seen as a buffer between the city council and the public; a translator of policies between the city council to the public; a representational figure providing additional policy leadership; the mayor is a focal point; a symbol of the city and has a higher profile;
<ul style="list-style-type: none"> • Disagreement that the role of the mayor is as a buffer, a translator, or provides additional policy leadership;
<ul style="list-style-type: none"> • The scope of the mayor's responsibilities is not an issue before this committee;
<ul style="list-style-type: none"> • Changing to a directly-elected mayor will subtly shift the definitions of the role and responsibilities of the mayor;
<ul style="list-style-type: none"> • A four-year mayor will assume certain powers whether or not they are written or whether it is intended or not; the statement that the mayor would have more influence at the regional, state, and federal level supports this;
<ul style="list-style-type: none"> • Specific benefits that will result should be identified before a recommendation can be made to make that change;

<ul style="list-style-type: none"> • A signpost of democracy is citizen participation; voter turnout is low; an election for mayor would have higher profile and more people would come out to vote;
<ul style="list-style-type: none"> • If the city wanted more participation from the citizenry, elections would be held in even years, not odd years; • Sunnyvale is the second largest city in the county; of 481 cities in the League of California Cities, 22 have a population of 100,000 or more that do not directly-elect their mayors; some of the more peaceable and less troubled cities do not have a directly-elected mayor; the argument that Sunnyvale needs a directly-elected mayor because it is a big city doesn't hold;
<ul style="list-style-type: none"> • Statistics are interesting but the focus should be on what is best for Sunnyvale;
<ul style="list-style-type: none"> • Cities with directly-elected mayors are more financially troubled; Sunnyvale's city manager is effective in putting together a balanced budget and the seven council are focused on making the final decisions; the current system seems to be working well;
<ul style="list-style-type: none"> • A different view on voter turnout could be that people are fairly happy with the way things are going and don't see the need for change;
<ul style="list-style-type: none"> • The view that there will be a higher voter turnout with a directly-elected mayor hasn't been demonstrated;
<ul style="list-style-type: none"> • A neighboring city recently had a mayoral election with four people running, a lot of debates, a lot of events and had a large turnout;
<ul style="list-style-type: none"> • A directly-elected mayor will have a different level of debate than the city council, will have an agenda or their own vision for the city, and will be able to say they have more clout; • We are saying the directly-elected mayor will be able to do more at the state and national level; are we saying they will also do exactly the same kinds of things locally? It will tilt toward the side of trying to do more, not because of anything statute-wise that we put in, but because of the way human nature is;
<ul style="list-style-type: none"> • What is the benefit of this change? What is a tangible value of recommending this change?

Chair Weiss presented a list of pros and cons of a directly-elected mayor for follow-up discussion; Vice Chair Ludlow transcribed the list onto a flip chart.

Pros	Cons
1. More democratic;	1. Directly-elected mayor could result in outstanding people being unable to serve;
2. The trend in California cities is to directly-elected Mayor;	2. Could work against a unified, integrated administration;
3. It will bring out more voters in an election;	3. May come into conflict with city administration;
4. Political identification;	4. Can not be removed from office except by recall election;
5. Translator on policy decisions;	5. Would create another level of bureaucracy between council members and administration;
6. International City Management Association (ICMA) favors directly-elected mayor;	6. Additional expense;
7. Prevents cliquish politics from	7. Could introduce partisanship into local

dominating the city;	elections;
Pros (continued)	Cons (continued)
8. Provides continuity;	8. Citizens currently have more access to elected officials; a directly-elected mayor would reduce access;
9. Provides additional policy leadership;	9. Council-elected mayor ensures the position is held by someone with knowledge and experience;
10. Assumes independence in views since the office is not secured by majority vote of council;	10. Council-elected mayor is a “we” form of government, not an “I” form of government;
11. Single voice for the city;	Additional points added by other members included:
12. Media coverage of election tends to be higher than other local races;	11. Directly-elected mayor is a way to get around term limits;
13. Higher level of voter awareness of local issues;	12. Potential for abuse of power; a directly-elected mayor is more susceptible to special interests or lobbyists
14. More accountability	

Discussion was held at this time to set a date for the public hearing to be held.

MOTION: Committee Member Ringel moved and Committee Member Miller seconded the motion to hold the public hearing March 24 to include all matters the committee is charged with addressing.

VOTE: 10 – 0 (Committee Member Hughes absent)

Continued discussion and comments regarding the pros and cons of a directly-elected mayor listed earlier included:

<ul style="list-style-type: none"> • Fundamental disagreement that most points listed as pro are a pro or listed as con are a con;
<ul style="list-style-type: none"> • The fact that the trend is that more cities are going to a directly-elected mayor doesn't matter and has no bearing on Sunnyvale;
<ul style="list-style-type: none"> • Disagreement that a directly-elected mayor brings out more voters;
<ul style="list-style-type: none"> • Disagreement that political identification is a good thing;
<ul style="list-style-type: none"> • Disagreement that a directly-elected mayor is a translator of policy decisions;
<ul style="list-style-type: none"> • Disagreement with inclusion of the statement that a directly-elected mayor would result in outstanding people being unable to serve; this is just the way the process is whether directly-elected or not;
<ul style="list-style-type: none"> • Disagreement that a directly-elected mayor can not be removed from office except by recall; the current provisions for removal would not change;
<ul style="list-style-type: none"> • Disagreement that another level of bureaucracy would be created between council and administration;
<ul style="list-style-type: none"> • Disagreement that continuity is limited to directly-elected mayor; there would be

continuity without a directly-elected mayor because that person rotates from the council;
<ul style="list-style-type: none"> • Agreement that a directly-elected mayor will provide continuity in representation at the regional, state and national levels;
<ul style="list-style-type: none"> • Abstention on taking a position on all points, as they are what other people's ideals are; all points should be included;
<ul style="list-style-type: none"> • Agreement that a directly-elected mayor is more democratic; (three members indicated agreement);
<ul style="list-style-type: none"> • A directly-elected mayor has the effect of investing the citizenry in its city government; the mayor would campaign on a platform;
<ul style="list-style-type: none"> • Disagreement that running on a platform is exclusive to a directly-elected mayor; council members have platforms when they run for election;
<ul style="list-style-type: none"> • A directly-elected mayor will provide accountability;
<ul style="list-style-type: none"> • Voter turnout is low because elections are held in off-election years; citizenry would be stimulated to come out to vote;
<ul style="list-style-type: none"> • A down-side to campaigning in general election years is that it is more expensive to try to reach more voters;
<ul style="list-style-type: none"> • A directly-elected mayor may feel they have a more efficient policy;
<ul style="list-style-type: none"> • A mayor will feel they have a mandate from the voters;
<ul style="list-style-type: none"> • A mayor may or may not have a mandate but if they are to get anything done, they have to get four votes of the council; this is within the system of checks and balances in the Council/Manager form of government;
<ul style="list-style-type: none"> • A directly-elected mayor will have policy ideas, will have campaigned and raised funds; whether intended or not, the process will be politicized and may result in the city manager having less administrative powers;
<ul style="list-style-type: none"> • Disagreement that a directly-elected mayor achieves more investiture by the citizenry; • There is an implied change in role and responsibilities; the mayor will be able to say they were directly-elected by the citizenry to accomplish the things they campaigned on;
<ul style="list-style-type: none"> • A directly-elected mayor who is elected by an 80-20 vote still has to get three votes on the council; council members won't compromise their strongly held views because the mayor got an 80-20 vote; • On the other hand, if the mayor was elected by 80-20, maybe the other council members ought to re-think their position. That could be a benefit of a directly-elected mayor;
<ul style="list-style-type: none"> • Disagreement that there could be a change to a directly-elected mayor with exactly the same roles and responsibilities as today

The committee began development of a new list to narrow down the list of pros of a directly-elected mayor:

Pros	Comments:
1. Invests the Sunnyvale citizens in City government	
2. Accountability	<ul style="list-style-type: none"> • Disagreement that accountability would be improved, unless the mayor is given the tools to make the changes they ran on

3. Continuity at the regional, state, and national level	
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Brief discussion was held regarding recommendations of the National Civic League as cited in the city attorney's memo of November 22, 2006.

Chair Weiss recommended before the next Charter Review Committee meeting of March 3, additional research should be done, bring any new information, and give thought to bullet points that would be more expressive of the current situation.

6. ADJOURN MEETING

Chair Weiss adjourned the meeting at 8:55 PM.

Kathleen Franco Simmons
City Clerk

Date