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(Amended to May 7, 2020)

CHARTER HISTORY

The original Charter became effective May 18, 1949.

Effective Date of Amendments:

March 31, 1954

January 14, 1955

May 20, 1957

January 23, 1967

July 8, 1968

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December 31, 1975

December 21, 1976

December 23, 1982

March 15, 1985

December 21, 1987

May 1, 1989

January 17, 1992

December 23, 1993

November 30, 1995

December 14, 2005

November 28, 2007

February 15, 2012

December 16, 2013

December 21, 2018

May 7, 2020

Preamble

We, the people of the City of Sunnyvale, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

ARTICLE I
Name of City

§ 100. Name.

The municipal corporation now existing and known as the "City of Sunnyvale" shall remain and continue to be a municipal body politic and corporate, as at present, in name, in fact, and in law.

ARTICLE II

Boundaries

§ 200. Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

ARTICLE III
Succession

§ 300. Rights and Liabilities.

The City of Sunnyvale shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, liabilities, debts and duties that now exist against this municipality.

§ 301. Ordinances.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

§ 302. Continuance of Present Officers and Employees.

(Repealed effective November 30, 1995)

§ 303. Continuance of Contracts and Public Improvements.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

(Amended effective November 30, 1995)

§ 304. Pending Actions and Proceedings.

(Repealed effective November 30, 1995)

ARTICLE IV
Powers of the City

§ 400. Powers of the City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges, including proprietary powers, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, including all powers not in conflict with the provisions of this Charter now or hereafter granted to cities organized under the General Law of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon this general grant of power.

(Amended effective July 8, 1968)

§ 401. Procedures.

The City shall have the power and may act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

§ 402. Disposal of Public Utility.

No public utility owned by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of a majority of the electors voting on such proposition at any election at which the question of such disposal is submitted to the electors.

ARTICLE V
Form of Government

§ 500. Form of Government.

The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE VI
The Council

§ 600. Elective Officers of the City.

- (a) The elective officers of the City shall consist of a City Council, 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.

(Amended effective May 20, 1957, December 21, 1976 and May 7, 2020)

§ 601. Term and Election.

- (a) Commencing with the general municipal election of November 2020, the City Councilmembers 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 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 qualified.
- (c) The offices of Mayor and member of the Council 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.

(Amended effective January 14, 1955, July 8, 1968, December 31, 1975, December 21, 1976, January 17, 1992, November 30, 1995, November 28, 2007, December 16, 2013 and May 7, 2020: previously Section 700)

§ 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 Councilmembers, 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.

(Amended effective May 7, 2020)

§ 603. Qualifications.

- (a) No person shall be eligible to hold office as the Mayor unless he/she shall be a registered voter of the City 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.

- (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.

(Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995, November 28, 2007 and May 7, 2020: previously Section 701)

§ 604. Term limits.

- (a) No person shall be eligible to serve as Mayor or a member of the Council for more than 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 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.
- (c) Any person who serves a four-year elective term and is either not re-elected or does not run for 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. Subject to the provisions of subsection (a) above, any person may serve as Mayor or Councilmember for twelve years in any sixteen-year period, unless elected or appointed to serve an unexpired term of less than two years in length as provided in this section.

(Amended effective May 7, 2020)

§ 605. Compensation.

In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, commencing January 1, 2012, each member of the City Council shall receive as salary \$2,088.64 per month, and the Mayor shall receive as salary \$2,784.86 per month.

In order to provide a cost of living adjustment, commencing on January 1, 2013, and annually on January 1 thereafter, the compensation of the Council and Mayor shall increase by a percentage equal to the percentage increase in the preceding October's twelve-month rolling average of the Consumer Price Index-Urban(CPI-U), or successor index, for San FranciscoOakland-San Jose, as determined by the United States Department of Labor, Bureau of Consumers. In no event shall the CPIU compensation adjustment exceed five percent per year, or result in a compensation decrease. The CPI-U base index year shall be calendar year 2012.

If a member of the City Council does not attend all meetings of the City Council called on order of the City

Council and held during the month, his/her salary for such month shall be reduced by the sum equivalent to twenty percent of the month's salary for each meeting not attended unless he/she is absent on official duty with the consent of or on order of the City Council or is granted an excused absence by the City Council, or unless he/she is on personal leave. A member of the City Council shall be permitted four personal leave days per calendar year.

(Amended effective May 20, 1957, January 23, 1967, December 31, 1975, December 21, 1976, March 15, 1985, January 17, 1992, February 15, 2012 and May 7, 2020: previously Section 702)

§ 606. Vacancies.

- (a) In addition to any other cause from which vacancies in the City Council may occur, the office of the Mayor or Councilmember shall become vacant when 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 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 in the office of Mayor or Councilmember, the Council shall officially declare the office vacant within thirty days of the commencement of any vacancy.
- (c) Within sixty days of the date the 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 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.

(Amended effective December 31, 1975, December 21, 1976, December 23, 1982, January 17, 1992,

December 21, 2018 and May 7, 2020 and May 7, 2020: previously Section 703)

§ 607. Presiding Officer. Mayor.

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.

(Amended effective December 31, 1975, December 21, 1976, December 21, 1987, November 30, 1995, November 28, 2007, December 16, 2013 and May 7, 2020: previously Section 704)

§ 608. Vice Mayor.

At the first regular meeting in January, at which the City Council shall certify the election results, following each General Municipal Election, and the first regular meeting in January in odd-numbered years, the City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

(Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 30, 1995, November 28, 2007 and May 7, 2020: previously Section 705)

§ 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.

(Amended effective May 7, 2020)

§ 610. Powers.

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California.

(Amended effective December 21, 1976 and May 7, 2020: previously Section 706)

§ 611. Regular Meetings.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

(Amended effective December 21, 1976 and May 7, 2020: previously Section 707)

§ 612. Special Meetings and Emergency Meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to Government Code Section 54956. Written notice may be delivered personally or by mail or facsimile or electronic means. The call and notice shall specify the time and place of the meeting if held at other than the location specified in Section 610. A telegraphic, facsimile or electronic communication from a member consenting to the holding of a meeting shall be considered a consent in writing.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the City Council may hold an emergency meeting without complying with the twenty-four-hour notice requirements pursuant to Government Code Section 54956.5.

(Amended effective December 21, 1976, December 23, 1982 and May 7, 2020: previously Section 708)

§ 613. Place of Meetings.

All meetings shall be convened in the Council Chambers of the City Hall, or at such other location as has been legally noticed, but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public; with the exception of closed sessions as authorized by law. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he/she should fail to act, by four members of the City Council.

(Amended effective December 31, 1975, December 21, 1976 and November 28, 2007 and May 7, 2020: previously Section 709)

§ 614. Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

(Amended effective December 21, 1976 and May 7, 2020: previously Section 710)

§ 615. Election and Qualification of Councilmembers.

The City Council shall judge the qualifications of its members as required by Section 602 of the Charter and shall certify all election returns.

(Amended effective December 21, 1976, November 28, 2007 and May 7, 2020: previously Section 711)

§ 616. Proceedings.

The City Council shall establish rules for the conduct of its proceedings and may sanction members or other persons for disorderly or improper conduct at any meeting. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Clerk shall cause the publication, in a newspaper widely circulated within the City, or on a City Website accessible through Internet or other appropriate technology, of items listed on the agenda prepared for regular meetings of the City Council which the City Manager shall deem of significance or of interest to the residents of Sunnyvale. Such publication or Internet distribution shall be in accordance with procedures which shall be established by ordinance of the City Council, and shall be designed to provide reasonable

public notice in a manner which will permit current information to be disseminated widely within the City. In addition, the City Clerk shall furnish the City Library with at least two sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom. Nothing contained in this section shall prevent the City Council from taking action on any item not shown on such agenda, nor shall failure to comply with any provision of this section invalidate any action taken by the City Council.

The City Clerk shall keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meetings. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication or Internet distribution in accordance with the provisions set forth below.

The City Clerk shall cause the publication or Internet distribution of the minutes of the regular and special meeting of the City Council or of the digest of those actions taken at such meetings which the City Manager shall deem of significance or of interest to the residents of Sunnyvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges. Such publication or Internet distribution shall be in accordance with the procedures established by ordinance, pursuant to this section, for the publication of the City Council agenda.

Such publication or Internet distribution shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as hereinabove described, shall include, but not be limited to, a description of the items of the agenda acted upon in sufficient detail to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor, shall also be published.

(Amended effective December 31, 1975, December 21, 1976, December 23, 1982, November 28, 2007 and May 7, 2020: previously Section 712)

ARTICLE VII
Ordinances and Legal Notices

§ 700. Adoption of Ordinances and Resolutions.

With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of introduction or adoption of an ordinance the title shall be read. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The corrections of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by the other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

(Amended effective May 20, 1957, December 31, 1975, December 21, 1976 and November 30, 1995: previously Section 808)

§ 701. Emergency Ordinances.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

(Amended effective May 20, 1957 and December 21, 1976: previously Section 809)

§ 702. Ordinances. Enactment.

In addition to such acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Sunnyvale does ordain as follows:"

(Amended effective December 21, 1976: previously Section 810)

§ 703. Ordinances. Publication.

The City Clerk shall cause each ordinance to be published at least once within fifteen days after its adoption in accordance with procedures established by ordinance of the City Council for the publication of legal notices, or, as an alternative method of publication, the Council, in its discretion, may order copies of any ordinance to be posted in three prominent places in the City and posted to the City Website using Internet or other appropriate technology, together with a single publication of a notice setting forth the date of adoption, the title of the ordinance and a list of the places where copies of such ordinance are posted.

(Amended effective December 21, 1976, December 23, 1982 and November 28, 2007: previously Section 811)

§ 704. Codification of Ordinances.

Any or all ordinances of the City which have been enacted and published in the manner required at the

time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of building, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided.

(Amended effective December 21, 1976: previously Section 812)

§ 705. Ordinances. When Effective.

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary, to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner herein provided; or
- (e) An ordinance annexing areas to the City.

(Amended effective May 20, 1957 and December 21, 1976: previously Section 813)

§ 706. Ordinances. Violation. Penalty.

Violation of an ordinance of the City is a misdemeanor unless by ordinance it is made an infraction, and the penalty therefor shall be the same as established under general law for a misdemeanor or infraction, as the case may be. Violation of an ordinance of the City may be prosecuted in the name of the People of the State of California or may be redressed by civil action or both.

(Amended effective December 21, 1976: previously Section 814)

§ 707. Ordinances. Municipal Code. Amendment.

The amendment of any section or sections of an ordinance, or of any section or sections of the Municipal Code, may be accomplished by adoption of an ordinance setting forth the proposed amendments, and referencing or setting forth those relevant portions of the section or sections of the ordinance or Municipal Code necessary to express the intent of the amendment. Such amending ordinance shall not be required to set forth at length the amended section or sections.

(Amended effective December 21, 1976 and December 23, 1982: previously Section 815)

§ 708. Publishing of Legal Notices.

The City Council shall adopt, by ordinance, procedures for the publication of notices or other matter required by law to be published: Such procedures shall comply with such requirements of law as are binding upon chartered cities and, consistent with such laws, shall be designed to provide reasonable public

notice, taking into consideration factors including, but not limited to, the desire to provide widespread dissemination of public notice, schedule of publication to ensure currency of notice, cost, and convenience. Such procedures may include alternative means of giving legal notice, such as posting, including posting to the City Website using Internet or other appropriate technology, where publication is not feasible and where such alternative methods are permitted by law. Such procedures may provide that failure to comply with the procedures shall not invalidate any action taken. Any reference in this Charter or any other provision of law to publication in the official newspaper shall be deemed satisfied by publication in accordance with the procedures established by ordinance pursuant to this section.

(Amended effective December 21, 1976, December 23, 1982 and November 28, 2007: previously Section 816)

ARTICLE VIII
City Manager

§ 800. Appointment.

The City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications, and need not be a resident of the City or State at the time of his/her appointment, but he/she shall be strongly encouraged to reside within the City during his/her tenure of office. No City Councilmember shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter.

(Amended effective July 8, 1968, December 31, 1975 and November 28, 2007)

§ 801. Compensation.

The City Manager shall be paid a salary commensurate with his/her responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

(Amended effective December 31, 1975)

§ 802. Powers and Duties.

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He/she shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

- (1) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- (2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable;
- (5) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City;
- (6) Submit to the City Council, at each meeting for its approval, the list of all claims and bills approved for payment by him/her; and
- (7) Perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with this Charter.

(Amended effective December 31, 1975)

§ 803. Rules and Regulations.

The City Manager may prescribe such general rules and regulations as he/she may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his/her

jurisdiction.

(Amended effective December 31, 1975 and November 28, 2007)

§ 804. Manager Pro Tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager for a period exceeding two weeks.

(Amended effective November 28, 2007)

§ 805. Participation in Council Action.

The City Manager, and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

§ 806. Removal of the City Manager.

The City Council shall appoint the City Manager for an indefinite term and may remove him/her, with or without cause, by a majority vote of its members.

(Amended effective July 8, 1968, December 31, 1975 and November 28, 2007)

§ 807. Prohibition Against Councilmanic Interference.

Neither the City Council nor any of its members shall order or request directly or indirectly the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. The City Council and its members shall deal with officers and employees in the administrative service under the jurisdiction of the City Manager solely through the City Manager except:

- (1) For a specific question from a member of the Council concerning a matter either pending before the Council or which the member intends to present to the Council, and which can be answered by furnishing routine information immediately available from the records of the officer or employee to whom it is directed, and which does not require the officer or employee either to discuss or express any opinion concerning any existing or proposed policy of the Council or the City Manager; or
- (2) In connection with an investigation into the affairs of the City or the conduct of any City department or office which the City Council by the affirmative vote of at least four of its members has undertaken.

In order to conduct such an investigation, the Council may do any of the following:

- (a) Instruct or grant permission to any one or more of its members to discuss with an officer or employee any matters which the member or members to whom permission is granted or who are so instructed believe to be pertinent or relevant to the subject of the investigation;
- (b) Subpoena witnesses;
- (c) Administer oaths;
- (d) Take testimony; or

- (e) Require the production of evidence.

Any City Councilmember violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of wilful misconduct in office and shall be removed from office pursuant to procedures set forth under general law.

(Amended effective July 8, 1968, December 31, 1975 and December 21, 1976)

ARTICLE IX
Officers and Employees

§ 900. Officers to be Appointed by the City Council.

In addition to the City Manager, the City Council shall appoint the City Attorney. The City Manager and the City Attorney may be employed through written contracts, notwithstanding the appointive and removal authority otherwise provided in this Charter for the City Council.

Subject to the Civil Service provisions of this Charter the City Attorney shall appoint any deputy or assistant city attorneys employed in the Office of the City Attorney. Any such attorney shall serve at the pleasure of the City Attorney. When the City Attorney deems it necessary, the City Attorney may, subject to any limitations of law, suspend without pay, demote, discharge, remove or discipline any deputy or assistant city attorney whom he/she is empowered to appoint. Neither the City Council nor any individual member shall in any manner dictate the appointment or removal of any such staff attorney, but the City Council may express its views to and fully and freely discuss with the City Attorney any matter pertaining to the appointment and removal of such staff attorneys.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

(Amended effective July 8, 1968 and November 30, 1995)

§ 901. Other Appointive Officers.

The City Council may provide for the creation or abolishment or reorganization of city departments or offices on the advice and recommendation of the City Manager. Each department shall be headed by an officer as department head who shall be appointed by the City Manager.

(Amended effective July 8, 1968 and November 30, 1995)

§ 902. Appointive Officers. Duties.

Each appointive officer shall perform the duties imposed upon him/her by this Charter, by ordinance, or resolution and, if under the jurisdiction of the City Manager shall perform such other duties relating to his/her office as may be required of him/her by the City Manager.

(Amended effective December 31, 1975)

§ 903. City Clerk. Powers and Duties.

The City Clerk shall be appointed by the City Manager and, subject to supervision and direction from the City Manager, be required to:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;
- (e) Be the custodian of the seal of the City;
- (f) Administer oaths or affirmations, take affidavits, and depositions pertaining to the affairs and business of the City, and certify copies of official records; and
- (g) Have charge of all City elections.
(Amended effective July 8, 1968 and November 28, 2007)

§ 904. Functions and Services.

Following consideration of the recommendations of the City Manager, the City Council, by ordinance or resolution not inconsistent with this Charter, may provide for the administration of:

- (a) the financial affairs of the City;
- (b) matters relating to the public works and utilities, parks, playgrounds and other properties of the City; and
- (c) inspection and regulation of building and related construction; the furnishing of police and fire protection and services; together with the operation of other functions and performance of other duties of the City, its officers and employees.

(Former Section 904 repealed effective July 8, 1968; New Section 904 effective July 8, 1968)

§ 905. Director of Public Works and Utilities.

(Repealed effective July 8, 1968)

§ 906. Chief of the Police Department.

(Repealed effective July 8, 1968)

§ 907. Chief of the Fire Department.

(Repealed effective July 8, 1968)

§ 908. City Attorney.

There shall be a City Attorney appointed by the City Council. The City Attorney shall serve at the pleasure of the City Council and may be removed, with or without cause, by motion of the City Council adopted by at least four affirmative votes. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least seven years prior to his/her appointment. The City Attorney shall have power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party.

Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or proceeding brought against him/her, in his/her official or individual capacity, or

both, on account of an act or omission in the scope of his/her employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to do so. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his/her opinion, his/her providing such defense would conflict with his/her other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose;

- (c) Attend meetings of the City Council and give his/her advice or opinion in writing or appropriate electronic format whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his/her approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;
- (f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;
- (g) On vacating the office, surrender to his/her successor all books, papers, files and documents pertaining to the City's affairs; and
- (h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council, or imposed by law.

The City Attorney shall have control of all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical and expert services to assist with or to take charge of any litigation or matter. No City employee may retain or contract with outside legal counsel for City business without the prior approval and supervision of the City Attorney.

(Amended effective July 8, 1968, December 31, 1975, December 23, 1982, November 30, 1995 and November 28, 2007)

§ 909. Official Bonds.

The City Council shall fix by ordinance the nature, amounts and terms of the official bonds of all officers or employees who are required by ordinance to give such bonds. Provided, however, that all officers and employees having custody or control of public funds shall be required to be bonded.

All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the officer designated by ordinance. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as separate bonds which may be required would provide.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond there shall be no personal liability upon, or any right to recover against his/her superior officer or other officer or employee, or on the bond of the latter, for any wrongful act or omission of the former, unless such superior officer, or other officer or employee was a party to, or conspired in, such wrongful act or

omission.

(Amended effective July 8, 1968 and December 31, 1975)

§ 910. Oath of Office.

Each member of the City Council, of every board and commission and each officer and department head, before entering upon the discharge of the duties of his/her office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability."

(Amended effective December 31, 1975)

ARTICLE X
Appointive Boards and Commissions

§ 1000. In General.

There shall be the following enumerated boards and commissions which shall have the powers and duties stated in this Article:

Personnel Board

Planning Commission

Parks and Recreation Commission

Board of Library Trustees

Heritage Preservation Commission

In addition, the City Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

(Amended effective November 30, 1995)

§ 1001. Appropriations.

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

§ 1002. Appointments. Qualifications.

Except as otherwise provided in this Article:

The members of each board or commission shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

No member of any board or commission shall be eligible to serve for more than two consecutive four-year terms nor shall such member be eligible for appointment to the same board or commission for two years after the expiration of the second full term for which the member was appointed and served. Any person appointed to a board or commission to fill an unexpired term of not more than two years in length shall be eligible to serve two full four-year terms upon the expiration of the unexpired term for which such person was appointed.

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission. The Council shall consider whether appointment of a person on a board or commission to serve on a different board or commission is in the best interest of the City.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members shall so classify themselves by lot that each succeeding July 1st, the term of one of their number shall expire. If the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st. (Amended effective December 31, 1975, May 1, 1989, November 30, 1995, December 14, 2005 and November 28, 2007)

(Amended effective December 31, 1975, May 1, 1989, November 30, 1995, December 14, 2005 and November 28, 2007)

§ 1003. Terms.

Except as otherwise provided in this Article, the members of such boards and commissions shall be eligible to serve no more than two successive terms on the same board or commission. For purposes of this section, terms are deemed successive if the commencement of one term occurs less than two years from the expiration of the other. No person having served two such successive terms shall be eligible for appointment to that same board or commission for two years following expiration of the second successive full term for which the member was appointed and served. Any person appointed to any of said boards or commissions to fill an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four-year terms on the same board or commission upon expiration of the unexpired term for which such person was appointed. However, two nonconsecutive full terms shall be deemed successive if the member served an unexpired term of less than two years between the full terms, unless two years passed between the commencement or expiration of the member's partial term and either of the full terms.

(Amended effective November 30, 1995 and November 28, 2007)

§ 1004. Meetings. Chairperson.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by resolution of the City Council, and such special meetings as it may require. All meetings shall be open and public.

(Amended effective July 8, 1968 and December 31, 1975)

§ 1005. Compensation. Vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall become vacant and shall be so declared by the City Council.

(Amended effective December 31, 1975)

§ 1006. Oaths. Affirmations.

Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

§ 1007. Personnel Board.

There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be

eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee.

The members of the Personnel Board shall be selected and appointed in the following manner: three of the members shall be appointed by the City Council directly; two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the Classified Service. If the employees in the Classified Service do not nominate one or more persons to fill a vacancy for the employee-nominated seats within six months of written notification, the City Council may appoint the person directly to fill the vacancy.

The successor of any member of the Board shall be appointed in the same manner as such member was appointed.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council.

(Amended effective July 8, 1968, December 23, 1982, December 23, 1993, November 30, 1995 and November 28, 2007)

§ 1008. Personnel Board. Powers and Duties.

The Personnel Board shall have power and be required to:

- (a) Act in an advisory capacity to the City Council and City Manager on personnel administration;
- (b) Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed, and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom;
- (c) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations;
- (d) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the City Council may require by ordinance.

§ 1009. Planning Commission.

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager, or his/her designated representative, shall serve as an ex officio member of the commission.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

(Amended effective July 8, 1968, December 31, 1975 and December 23, 1982)

§ 1010. Planning Commission. Powers and Duties.

The Planning Commission shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City;
- (b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and
- (c) Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled "Planning" of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of this Charter.

(Amended effective July 8, 1968)

§ 1011. Parks and Recreation Commission.

There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

(Amended effective December 23, 1982)

§ 1012. Parks and Recreation Commission. Powers and Duties.

The Parks and Recreation Commission shall have power to act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment.

(Amended effective July 8, 1968 and November 28, 2007)

§ 1013. Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council.

(Amended effective July 8, 1968, December 23, 1982 and November 30, 1995)

§ 1014. Board of Library Trustees. Powers and Duties.

The Board of Library Trustees shall have power to:

- (a) Act in an advisory capacity to the City Council and City Librarian in all matters pertaining to the City Library; and
- (b) Exercise such other functions as now or hereafter may be prescribed by the City Council and which do not conflict with the provisions of this Charter.

(Amended effective July 8, 1968 and November 28, 2007)

§ 1015. Heritage Preservation Commission.

There shall be a Heritage Preservation Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

(Added effective December 23, 1982; amended effective November 30, 1995)

§ 1016. Heritage Preservation Commission. Powers and Duties.

The Heritage Preservation Commission shall have power to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts.
- (b) Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance.

(Added effective December 23, 1982; amended effective December 14, 2005)

ARTICLE XI
Civil Service

§ 1100. Merit Principle.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

§ 1101. Classified Service.

The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

- (1) All elective officers;
- (2) City Manager;
- (3) City Attorney and any Assistant or Deputy City Attorney;
- (4) The head of each department;
- (5) All members of boards and commissions;
- (6) Persons employed as unskilled laborers;
- (7) Persons employed for a temporary or special purpose during any one calendar year for whatever period of time may be fixed by resolution of the City Council if the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service; and
- (8) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(Amended effective July 8, 1968)

§ 1102. Appointments from the Classified to the Unclassified Service.

(Repealed effective December 23, 1982)

§ 1103. Classification.

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

§ 1104. Pay Plan.

The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the Classified Service. Such pay plan thus adopted shall include a minimum and maximum and such

intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

§ 1105. Civil Service Rules and Regulations.

The City Manager shall prepare and recommend to the Personnel Board, Civil Service rules and regulations governing the administration of the City Civil Service system to implement the provisions of this Article.

§ 1106. Political Activities Prohibited.

(Repealed effective July 8, 1968)

§ 1107. Prohibitions.

No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself/herself or with others wilfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and the penalty therefor shall be the same as established for misdemeanors under general law. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City Service and shall, if he/she is an officer or employee of the City, immediately forfeit his/her office or position.

(Amended effective December 31, 1975 and December 21, 1976)

§ 1108. Contract for Administrative Services.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within the State, or with any state department, or with any private or governmental agency for the furnishing of administrative, fiscal, or personnel services.

ARTICLE XII

Retirement**§ 1200. State System.**

The "State Employees' Retirement Act," as it now exists or may hereafter be amended, is hereby adopted for the City of Sunnyvale, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Act, to enable said City to become or continue as a contracting City participating in the State Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Sunnyvale, voting on such proposition at an election at which such proposal is presented.

ARTICLE XIII
Fiscal Administration

§ 1300. Fiscal Year.

The fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year.

§ 1301. Annual Budget. Preparation by the City Manager.

At such date as he/she shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditures for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he/she may deem advisable.

(Amended effective July 8, 1968 and December 31, 1975)

§ 1302. Budget. Submission to City Council.

At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. Said budget shall be a balanced ten-year budget, reflect a minimum of ten years long-range financial planning, and include a multi-year operating and capital budget in accordance with the Fiscal SubElement of the City's General Plan. The budget shall depict planned City expenditures and revenues, as well as their relationship to the levels of service planned to be provided to the community. Financial efficiency and effectiveness measures shall be included, as well as historical trend data regarding past financial performances at the program budget level, at a minimum. The budget shall contain graphs/charts as appropriate to communicate both short-term and long-term impacts of the proposed budget to enable the Council to carry out its fiduciary responsibilities. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

(Amended effective December 31, 1975 and November 28, 2007)

§ 1303. Budget. Public Hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

§ 1304. Budget. Further Consideration and Adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30th it shall adopt the budget with revisions, if any, by the affirmative vote of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager, or his/her designated representative, and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

(Amended effective May 20, 1957, July 8, 1968 and December 31, 1975)

§ 1305. Budget. Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered. However, approved appropriations for Capital Improvement Projects shall not lapse at the end of the fiscal year unless the Capital Improvement Project has been completed and closed out or the City Council takes affirmative action to modify the budget appropriation for the Capital Improvement Project.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

(Amended effective November 28, 2007)

§ 1306. Tax System.

Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the county system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31st, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

§ 1307. Tax Limits.

Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of one dollar on each one hundred dollars of the assessed value of taxable property in the City for municipal purposes, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

- (a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year; and
- (b) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, if any, due and unpaid or to become due during the ensuing fiscal year.

Special levies, in addition to the above, not to exceed the aggregate amount of thirty-five cents on each one hundred dollars of the assessed value of taxable property in the City may be made annually, based on approved budget requirements, for the following specific purposes: parks, recreation, city planning, libraries, advertising, and emergency care and relief of needy persons. The proceeds of any such special levy shall be used for no other purpose than that specified.

§ 1308. Bonded Debt Limit.

The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent of the total assessed valuation of property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

§ 1309. Contracts on Public Works.

Every project involving an expenditure of more than an amount to be determined from time to time by ordinance of the City Council, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest responsive and responsible bidder after notice of publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after adoption of a resolution to this effect by at least four affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

No advertising for bids or awarding of a contract based thereon shall be required when the improvement or work is to be furnished or performed by a public utility subject to the jurisdiction of the California Public Utilities Commission.

(Amended effective July 8, 1968, December 23, 1982 and November 28, 2007)

§ 1310. Cash Basis Fund.

(Repealed effective July 8, 1968)

§ 1311. Capital Outlays Funds.

(Repealed effective July 8, 1968)

§ 1312. Departmental Trust Fund.

(Repealed effective May 20, 1957)

§ 1313. Petty Cash Funds.

The City Council may provide for revolving petty cash funds, to be paid to the City Manager or to the heads of offices, departments, or agencies for use in payment in cash of expenditures provided for in the budget that cannot conveniently be paid otherwise.

§ 1314. Claims Against City.

Except as otherwise required by the provisions of State law applicable to chartered cities, claims and demands against the City shall be presented and audited as prescribed by ordinance.

(Amended effective July 8, 1968)

§ 1315. Registering Warrants.

Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

§ 1316. Actions Against City.

No suit shall be brought for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the General Law requires a claim to be presented, until a claim or demand for the same has been presented as provided in any ordinance adopted under Section 1314, and such claim and demand has been rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within the time established by ordinance or the General Law shall be deemed a rejection thereof.

(Amended effective May 20, 1957, July 8, 1968 and December 23, 1982)

§ 1317. Centralized Purchasing.

A centralized purchasing system shall be established for all City departments, offices and agencies. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any department, office or agency of the City government.

§ 1318. Independent Audit.

At the beginning of each fiscal year, the City Council shall contract with a Certified Public Accountant who, at least quarterly, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments or agencies as the City Council may direct. At the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, the designated representative of the City Manager, and City Attorney, respectively, and three additional copies to be placed on file in the Office of the City Clerk where they shall be available for inspection by the general public.

(Amended effective July 8, 1968 and December 21, 1976)

§ 1319. Water Revenue Fund.

(Repealed effective December 23, 1982)

§ 1320. Revenue Bonds.

The City Council shall have power to issue revenue bonds for the purposes and by the procedures now or hereafter authorized by the general laws of the State of California, including the issuance of refunding revenue bonds. Such bonds may be issued in negotiable or non-negotiable form, and be made payable or collectible within or without the State of California.

Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such bonds, and the interest accruing thereon, shall be a charge upon, and payable solely from, the revenues derived from the operation of such works, facilities or property, and shall not be a charge, lien, encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against, any other

property of the City or upon or against any other income, receipts, revenues or funds of the City, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of any taxing power of the City.

ARTICLE XIV
Elections

§ 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.

(Amended effective December 31, 1975 and December 16, 2013)

§ 1401. Special Municipal Elections.

All other Municipal Elections that may be held by authority of this Charter, or by any law, shall be known as Special Municipal Elections.

§ 1402. First Election Under Charter.

(Repealed effective July 8, 1968)

§ 1403. Procedure For Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities organized under the General Law of the State of California, insofar as the same are not in conflict with this Charter.

(Amended effective July 8, 1968)

§ 1404. Initiative, Referendum, and Recall.

Unless otherwise provided by ordinance, hereafter enacted, the provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers, shall apply to use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

§ 1405. Campaign Disclosure.

All candidates for the office of City Councilmember, and all committees supporting such candidate, shall file with the City a campaign statement containing the full name, street address, occupation and employer of, and the cumulative amount of contributions made by, any person who has made contributions in a cumulative amount of one hundred dollars or more to said candidate or committee. Any campaign statement filed pursuant to General Law or any ordinance which contains the required information and which is required to be filed in sufficient time to allow publication in accordance with the provisions of this section shall satisfy the filing requirements of this section. In the event the General Law does not require the filing of such a campaign statement, or does not require its filing in sufficient time to allow publication, the City Council shall adopt, by ordinance, procedures for the filing of such campaign statements. For the purpose of this section, definitions contained in the Political Reform Act of 1974 (Government Code Sections 81000, et seq.) shall apply. Any failure to file a campaign statement required by General Law or by an ordinance in a timely manner, which prevents the publication of required information in accordance with procedures established pursuant to this section, shall constitute a violation of this section.

The City Council shall direct the City Clerk to cause the publication of the name and occupation of, and the cumulative amount of contributions made by, any person whose cumulative contributions to any candidate

or committee equal or exceed one hundred dollars, along with the name of the candidate or committee to which the contributions were made, on the Saturday immediately preceding the date of the Municipal Election. The City Council shall adopt, by ordinance, procedures for such publication.

(Added effective December 23, 1982)

ARTICLE XV

The City Court

(Repealed effective May 20, 1957)

ARTICLE XVI

Franchises**§ 1600. Franchises.**

When Required. As used in this Article "franchised privilege" means:

The furnishing to the City or its inhabitants, or any portion thereof,

- transportation,
- communication,
- terminal facilities,
- wharves,
- water,
- light,
- heat,
- electricity
- gas,
- power,
- refrigeration,
- storage,
- garbage, waste or refuse removal,
- taxicab service,
- or any other public utility service

The use of the public streets, ways, alleys or places in the City of Sunnyvale as the same now or may hereafter exist, for any of such purposes described in this section, or for the operation of plants, works, or equipment for the furnishing thereof.

Traversing any portion of the City for the transmitting or conveying of any such utility or service elsewhere.

No person, firm or corporation shall engage in a franchised privilege without having first obtained a grant of franchise therefor in accordance with the provisions of this Article and in accordance with the procedure prescribed by ordinance, except insofar as entitled to do so by direct authority of the Constitution or laws of the State of California or of the United States.

Nothing in this Article shall be construed to invalidate any lawful franchise previously granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise or spur track permit.

(Amended effective July 8, 1968, December 31, 1975 and November 30, 1995)

§ 1601. Authority to Grant Franchises.

The City Council is empowered to grant by ordinance a franchise to engage in a franchised privilege, and

all renewals and substantive amendments thereof, to any person, firm or corporation, whether operating under an existing franchise or not.

Nothing in this Article shall apply to the granting of permits by the City Council to any steam or commercial railroad for the construction of spur or side tracks along or across any street, avenue or highway in the City of Sunnyvale, for the purpose of connecting the facilities of any commercial enterprise with the line of such railroad.

The City Council is further empowered to amend any franchise grant with the consent of the person, firm or corporation to whom it was granted. Technical non-substantive amendments may be authorized by the City Manager.

(Amended effective July 8, 1968 and November 30, 1995)

§ 1602. Franchise Terms, Conditions and Procedures.

The City Council may by ordinance prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and may by ordinance provide a procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, protests against the granting of such franchises and for the hearing of such protests.

The City Council in granting franchises shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or the people by initiative indicate they desire to have so imposed.

§ 1603. Franchise Provisions.

No franchise shall be granted without reserving to the City adequate consideration for the privilege conferred.

The City Council may grant a franchise by ordinance or may, at its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale; provided that no bidding shall be had or required upon any renewal of a franchise, surrender of existing franchise or parts thereof, or in settlement of litigation between the grantee and the City.

§ 1604. Term of Franchise.

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed thirty years.

A franchise grant may be indeterminate; that is, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal, or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

§ 1605. Purchase or Condemnation by City.

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility or find a purchaser therefor, upon one year's written notice, either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the manner prescribed by the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the City for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the City at the time of the franchise acquisition), good will, going concern, earning power, or increased value of right-of-way.

§ 1606. Article Not Applicable in Certain Cases.

Nothing in this Article shall be construed to require motor, contract or other carriers of freight or passengers not operating over a fixed route to obtain franchises for use of any public place of the City.

§ 1607. Exercising Right Without Franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without procuring such franchise, shall be a misdemeanor and each day that such condition continues to exist shall constitute a separate violation.

§ 1608. Article Not Applicable to City. Preservation of Rights.

Preservation of Rights. Nothing contained in this Article shall apply to the City, or to any department thereof, when furnishing any public utility or service.

Nothing contained in this Article shall be construed to affect or impair any rights, powers, or privileges relating to franchises vested in, possessed by, or available to, the City by virtue of previous Charter provisions.

(Added effective July 8, 1968)

CHARTER OF THE CITY OF SUNNYVALE

§ 1608

ARTICLE XVII

City Board of Education

(Repealed effective December 21, 1976)

ARTICLE XVIII

Miscellaneous**§ 1800. Definitions.**

Unless the provision or the context otherwise requires, as used in Charter:

"Shall" is mandatory and "may" is permissive.

"City" is the City of Sunnyvale and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Sunnyvale.

All references to gender shall be to both the masculine and feminine gender; such objective may be accomplished through the use of a slash mark between the masculine and feminine pronouns such as "he/she" or "him/her." Any reference in this Charter to "man" as a suffix indicative of the masculine gender, shall be stricken out and be replaced by either "member" or "person."

The changes incorporated in the paragraph immediately above, shall be reflected throughout this Charter in the next official printing thereof.

(Amended effective December 31, 1975)

§ 1801. Charter Provisions. Violation. Penalty.

Unless otherwise provided in this Charter, violation of any of its provisions is a misdemeanor and the penalty therefor shall be the same as established for misdemeanors under general law.

(Amended effective December 21, 1976)

§ 1802. Validity.

If any provisions of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 1803. Effective Date.

For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at eight p.m.

CERTIFICATE

WHEREAS, the City of Sunnyvale, for years last past, has been and now is a city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the 13th day of April, 1948, at a municipal election duly and regularly held on that day in the City under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect

William B. Adair

Ellis F. Meinecke

CERTIFICATE**Albert L. Armanini****Frederick A. Boomer****Howard G. Diesner****Wilbur G. Fleckner****Hugo F. Fox****Jack C. Geiger****Walter L. Jones****Homer A. Pfeiffer****W.K. Plummer****Albert L. Swanson****Leo H. Vishoot****Eugene A. Wahl****H.G. Wanderer**

who are electors of said City and eligible as candidates under said section, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body on the 20th day of April, 1948, and said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing Charter for the government of the City of Sunnyvale; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of Sunnyvale to cause the publication of said proposed Charter as provided in said Constitution and does hereby fix and designate the 10th day of May, 1949, as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of Sunnyvale for their ratification and adoption;

IN WITNESS WHEREOF, we the duly elected, qualified, and undersigned Freeholders of the City of Sunnyvale, County of Santa Clara, have hereunto set our hands at the City of Sunnyvale, County of Santa Clara, State of California, this 21st day of February, 1949.

William B. Adair**Albert L. Armanini****Frederick A. Boomer****Howard G. Diesner****Wilbur G. Fleckner****Hugo F. Fox****Jack C. Geiger****Walter L. Jones****Ellis F. Meinecke****Homer A. Pfeiffer****W.K. Plummer****Albert L. Swanson****Leo H. Vishoot****Eugene A. Wahl****H.G. Wanderer**

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

STATE OF CALIFORNIA)

COUNTY OF SANTA CLARA .) ss

CITY OF SUNNYVALE)

We, the undersigned, Chris Webber, Mayor of the City of Sunnyvale, and Ida Trubschenck, the City Clerk of said City, do hereby certify and declare as follows:

CERTIFICATE

That the City of Sunnyvale, a municipal corporation of the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand, five hundred inhabitants and less than fifty thousand inhabitants.

That the Board of Freeholders whose names appear signed to the foregoing proposed Charter were on the 13th day of April, 1948 at a municipal election duly and regularly held in the said City of Sunnyvale on said day elected by the qualified electors of said city to prepare and propose a Charter for said city in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

That each of said Freeholders had been a qualified elector in said city for more than five years immediately preceding his election.

That said Freeholders were duly and regularly elected under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

That the foregoing is a true copy of the said Charter proposed by said Freeholders.

That said Board of Freeholders did, in accordance with law and the provisions of Section 8, Article XI of said Constitution and within one year after their said election, prepare and propose said Charter for the government of said City of Sunnyvale which Charter was signed by the majority of the members of said Board of Freeholders on the 21st day of February, 1949, and thereafter to wit: on the 21st day of February, 1949, said proposed Charter was duly returned and filed with the clerk of the City of Sunnyvale.

That said proposed Charter was thereafter to wit: on the 25th day of February, 1949, and within fifteen days after such filing duly and regularly published once in the Sunnyvale Standard, a newspaper of general circulation printed and published in said City of Sunnyvale, and each edition thereof, during the day of publication.

That said Board of Freeholders did before filing said Charter as aforesaid, fix Tuesday the 10th day of May, 1949, as the date for Special election at which said proposed Charter was to be submitted to the electors of said City of Sunnyvale which date was not less than sixty days from the completion of publication of said proposed Charter.

That said proposed Charter was submitted to the qualified electors of said City of Sunnyvale at a special municipal election duly and regularly held therein on the 10th day of May, 1949.

That at said special municipal election a majority of said qualified electors of said City of Sunnyvale voting thereon at said special municipal election voted in favor of the ratification of said Charter as proposed as a whole, ratifying the same.

That thereafter the Council of the City of Sunnyvale duly canvassed the returns of the said special election and found and declared that the majority of said qualified electors voting thereon at said special election had voted in favor of ratifying said Charter, and ratified the same.

That in all matters and in all things pertaining to said proposed Charter, all the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

IN WITNESS WHEREOF, We have hereunto set our signatures and caused the official seal of the City of Sunnyvale to be affixed this 18 day of May, 1949.

CHRIS WEBBER
Mayor of the City of Sunnyvale
(Seal)

IDA TRUBSCHENCK
City Clerk of the City of Sunnyvale