

Initiative Measure to be Submitted Directly to the Voters

The City Attorney of the City of Sunnyvale has prepared the following title and summary of the chief purpose and points of the proposed measure:

Title: An Initiative Ordinance Amending the City of Sunnyvale’s Municipal Code to Require Voter Approval for any Sale, Lease, Lease Extension, Lease Renewal, Land Swap, or Transfer of Property Owned, Leased, or Used by the City as a Public Park or Community Service Amenity

Summary: This initiative states that it shall be known as the “Public Lands for Public Use Act” and proposes to amend the Sunnyvale Municipal Code (SMC) to require voter approval before the sale or lease of some types of City property.

Currently, SMC Chapter 2.07 requires city council approval for all purchases, sales, or leases of real property for the City when the purchase, sales price, or lease cost exceeds \$75,000, and city manager approval when the purchase, sales price, or lease cost is \$75,000 or less, or when the lease results in revenue to the City and is for a period less than or equal to 55 years. It further requires city council approval for leases of City property for a term in excess of 55 years, subject to additional procedures set forth in Chapter 2.07.

The proposed initiative would amend these provisions by:

- Defining two categories of City property: “Community Service Amenity,” which generally includes facilities and land whose primary purpose is to provide the public a place of city government administration, recreation, education, exercise, or enjoyment; and “Public Park,” which generally means land set apart for recreation of the public and to maintain open space in the City, including City-owned land shared by agreement with adjacent public schools to augment the public school’s outdoor recreation area.
- Requiring that any land “owned, leased, or used” by the City as a Public Park or Community Service Amenity (including land otherwise transferred to the City for such purposes, and the rights to use land for such purposes), may not be the subject of a “sale, lease, lease extension, lease renewal, land swap, or transfer,” regardless of the amount of the transaction, without the prior approval of a majority of voters in a citywide election.
- Requiring that leases of Public Park or Community Service Amenity land owned, held or controlled by the City, that are in excess of 55 years, also be subject to voter approval.

The initiative ordinance also proposes to take precedence over all other provisions of the City’s Municipal Code, ordinances, resolutions, and administrative policies that conflict with any part of the initiative.