



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Approve Updates to Council Policy 7.2.19 (Boards and Commissions) Including: Timing of Appointments for Incumbent Members; Bicycle and Pedestrian Advisory Commission Categories; Sustainability Commission Category Two Description as Recommended by the Council Subcommittee on Boards and Commissions and Removal of Gender Specific Language

#### **BACKGROUND**

On May 24, 2022, City Council made appointments to Boards and Commissions, including several appointments of existing (incumbent) Board and Commission Members to vacant terms which overlapped with their current position on a Board or Commission. During the meeting, Councilmembers discussed whether it would be appropriate to ask the Board/Commission Member to resign from their current position to take their new position and ultimately directed the Board/Commission Members to resign from their current position before assuming their new position. The Mayor advised Council they would call a meeting of the Council Subcommittee on Boards and Commissions to explore adding language to Council Policy 7.2.19 (Boards and Commissions) addressing what happens when City Council appoints an incumbent Board/Commission Member to an overlapping term.

The Council Subcommittee on Boards and Commissions met on June 15 and August 2 to discuss adding language to Council Policy 7.2.19 addressing what happens when City Council appoints an incumbent member to an overlapping term. The Subcommittee also discussed making changes to the Bicycle and Pedestrian Advisory Commission Category One and Category Two descriptions, the Sustainability Commission Category Two description, and removal of gender-specific language.

#### **EXISTING POLICY**

Council Policy 7.2.19 (Boards and Commissions (Attachment 1-redlines and Attachment 2-clean))

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

## **DISCUSSION**

### **Appointing a Current Board/Commission Member to a Vacant Term**

On August 2, 2022, the Council Subcommittee recommended adding the following language to Council Policy 7.2.19 to address a scenario where the City Council appoints a current Board or Commission Member to an unexpired term.

*Should Council appoint a current Board or Commission Member to an unexpired term on the same or a different board or commission, the appointee shall have up to 60 days to continue serving on their current board or commission before they assume office for the unexpired term. The appointee's completion of the oath of office for the unexpired term shall serve as their resignation from their current term.*

The Council Subcommittee communicated that allowing the Board/Commission Member up to 60 days to transition positions provides them an opportunity to participate in upcoming agenda items on their current Board/Commission while also allowing them some flexibility on when they transition positions.

### **Bicycle and Pedestrian Advisory Commission Categories**

The Council Subcommittee discussed the overlap in qualifications for Bicycle and Pedestrian Advisory Commission Category One and Category Two. Category One members must be residents of Sunnyvale, while Category Two members do not need to be residents; however, many Sunnyvale residents qualify for Category One membership based on their residence address and for Category Two based on their membership in a neighborhood association in Sunnyvale. The Subcommittee recommends the following changes to differentiate Category Two members as individuals who reside outside of Sunnyvale and limit the number of Category Two members to a maximum of two members.

- i. Category One ~~(four members)~~ shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of ~~his or her~~their appointment, maintain ~~his or her~~their principal place of residence within the City. Should any person so appointed cease to maintain ~~his or her~~their principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the commission.
- ii. Category Two ~~(three members)~~maximum of two members) shall at the time of their appointment, maintain their principal place of residence outside the City; and include members of Parent Teacher Associations (PTA) or other parent groups, administrations of schools in Sunnyvale, commute coordinators for major employers within the City, ~~members of neighborhood associations,~~ principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City.

While not discussed with the Council Subcommittee, Council may consider additional changes to this language, such as potentially removing "...or persons interested in park and recreational activities in the City" since Commission's prevue does not directly relate to park and recreation activities in the City.

### **Sustainability Commission Category Two Description**

The Council Subcommittee recommended adding the definition of a member of the Sunnyvale business community to the Council Policy. This definition can be found in Resolution No. 430-10, Section 2 (Attachment 3) which created the Sustainability Commission.

- ii. Category Two (minimum of one member) shall include members of the Sunnyvale business community: **Sunnyvale business license holders; or designated representative of Sunnyvale businesses with 200 or more employees.** Such members need not be Sunnyvale residents.*

### **Removal of Gender Specific Language**

The Council Subcommittee discussed and suggested removing gender specific language such as "he," "she," etc. from the policy, but inadvertently did not include this in their motion making a recommendation to City Council. Consequently, staff has included the removal of gender specific language as it was the intent of the Council Subcommittee. The attached draft updates reflect replacing these pronouns with gender-neutral pronouns such as "they" or "them."

### **Other Changes**

Staff also included several typographical corrections and the addition of the Deputy City Manager classification to the Spouses, Household Members, and Relatives section as this position falls hierarchically between the Assistant City Manager and the Assistant to the City Manager positions already included in the Council Policy.

### ***Spouses, Household Members, and Relatives***

*No individual shall be eligible to serve on a City board or commission, chartered or otherwise, who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse **or domestic partner**), currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, **Deputy City Manager**, Assistant to the City Manager, City Attorney, Department Director or Assistant Director or equivalent for the City of Sunnyvale.*

### **FISCAL IMPACT**

The proposed updates to Council 7.2.19 (Boards and Commissions) do not have a fiscal impact.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

## **ALTERNATIVES**

1. Approve the Council Subcommittee's recommended changes related to the timing of appointments for incumbent members, changes to qualifications for Bicycle and Pedestrian Advisory Commissioners and composition of Category One and Two members; adding definition of a member of the Sunnyvale business community for appointment to the Sustainability Commission Category and removal of gender specific language to Council Policy 7.2.19 (Boards and Commissions) (Attachment 1).
2. Approve the Council Subcommittee's recommended changes related to the timing of appointments for incumbent members, changes to qualifications for Bicycle and Pedestrian Advisory Commissioners and composition of Category One and Two members; adding definition of a member of the Sunnyvale business community for appointment to the Sustainability Commission Category and removal of gender specific language to Council Policy 7.2.19 (Boards and Commissions) (Attachment 1) with modifications.
3. Other direction as provided by Council.

## **STAFF RECOMMENDATION**

Staff makes no recommendation. This report was prepared to facilitate a discussion and direction to staff by Council, as well as to report the findings of the Council Subcommittee on Boards and Commissions for the Council's consideration.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

1. Council Policy 7.2.19 (Boards and Commissions)-Draft Updates-Redlines
2. Council Policy 7.2.19 (Boards and Commissions)-Draft Updates-Clean
3. Resolution No. 430-10