



City of Sunnyvale

Notice and Agenda - Final Housing and Human Services Commission

Tuesday, November 19, 2024

7:00 PM

Online and Bay Conference Room, City
Hall, 456 W. Olive Ave., Sunnyvale, CA
94086

Special Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/92867949471>

Public Participation

- In-person participation: You may provide public comment by filling out a speaker card (optional) and giving it to the Recording Officer.

As a courtesy, and technology permitting, members of the public may also attend online. However, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

The Chair may determine it would be impractical to include remote public comment during Oral Communications.

- Online participation: You may provide audio public comment by connecting to the Meeting online or by telephone. Use the Raise Hand feature to request to speak (*9 on a telephone):

Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/92867949471>

Meeting call-in telephone number: 833-548-0276 | Meeting ID: 928 6794 9471

(*9 to request to speak | *6 to unmute/mute)

- Watch the Housing and Human Services Commission meeting at:

<http://youtube.com/SunnyvaleMeetings>

- Submit written comments to the Housing and Human Services Commission no later than 4 hours prior to the meeting start to HousingHumanServices@sunnyvale.ca.gov or by mail to City Clerk, 456 W. Olive Avenue, Sunnyvale, CA 94086.

- Review recordings of this meeting and past meetings at <https://sunnyvaleca.legistar.com/calendar.aspx> or <http://youtube.com/SunnyvaleMeetings>

Accessibility/Americans with Disabilities Act (ADA) Notice

Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. ADA contact: Housing staff may be reached at 408-730-7250 or housing@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

ORAL COMMUNICATIONS

The Chair may determine it would be impractical to include remote public comment during Oral Communications for the purpose of timeliness of the meeting or conducting an orderly meeting. Such a determination shall be made prior to opening public comment on Oral Communications.

This category provides an opportunity for members of the public to address the Housing and Human Services Commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Housing and Human Services Commission to take action on an item not listed on the agenda. If you wish to address the Housing and Human Services Commission, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

- 1.A [24-1149](#) Approve the Housing and Human Services Commission Meeting Minutes of October 23, 2024

Recommendation: Approve the Housing and Human Services Commission Minutes of October 23, 2024 as submitted.

- 1.B [24-1150](#) Approve the 2025 Master Work Plan

Recommendation: Approve the 2025 Master Work Plan as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes.

- 2 [24-1153](#) Review Two Draft Request for Proposals for FY 2025/26 and FY 2026/27 CDBG and General Fund Human Services and FY 2025/26 CDBG Capital Projects

Recommendation: Review the two draft RFPs and provide any comments/suggestions for any changes to the final RFPs.

- 3 [24-1154](#) Annual Review of City Code of Ethics and Conduct for Elected and Appointed Officials and Opportunity to Recommend Changes to the City Council

Recommendation: Staff makes no recommendation. This report is being presented to the Housing and Human Services Commission for review and to allow the Housing and Human Services Commission with an opportunity to provide the City Council with a recommendation if desired.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

-Staff Comments

ADJOURNMENT

Notice to the Public:

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 456 W. Olive Avenue, during normal business hours and in the Bay Conference Room (Room 145) on the evening of the Housing and Human Services Commission Meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Janelle Resuello at 408-730-7402 or jresuello@sunnyvale.ca.gov. Agendas and associated reports are also available 72 hours before the meeting on the City's website at sunnyvale.ca.gov and during normal business hours at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue.



Sunnyvale

City of Sunnyvale

Agenda Item

24-1149

Agenda Date: 11/19/2024

SUBJECT

Approve the Housing and Human Services Commission Meeting Minutes of October 23, 2024

RECOMMENDATION

Approve the Housing and Human Services Commission Minutes of October 23, 2024 as submitted.



City of Sunnyvale

Meeting Minutes - Draft

Housing and Human Services Commission

Wednesday, October 23, 2024

7:00 PM

Online and City Hall,
Bay Conference Room,
456 W. Olive Ave., Sunnyvale, CA 94086

CALL TO ORDER

Chair Duncan called the meeting to order at 7:01 p.m. in the Bay Conference Room.

SALUTE TO THE FLAG

Chair Duncan led the salute to the United States flag.

ROLL CALL

Present: 5 - Chair Scott Duncan
Vice Chair Carol Weiss
Commissioner Morgan Friedlander
Commissioner Ken Hiremath
Commissioner Elizabeth Steward

Absent: 2 - Commissioner Jim Davis
Commissioner Leesa Riviere

Commissioner Davis' and Commissioner Riviere's absence is unexcused.
Council Liaison Sell (present)

ORAL COMMUNICATIONS

Chair Duncan announced the recruitment for the Charter Review Committee.

Chair Duncan asked if anyone wished to discuss non-agenda items under Oral Communications.

Community Member, Shaunn C., gave public comment on Sunnyvale shelter services.

Commissioner Steward asked the member of the public how they are made aware of the problems unhoused residents face.

Shaunn C. confirmed it is first or second-hand information.

Chair Duncan closed Oral Communications.

CONSENT CALENDAR

1.A [24-1087](#) Approve the Housing and Human Services Commission Meeting Minutes of September, 17, 2024

Chair Duncan asked if anyone wished to discuss the item on the Consent Calendar.

No members of the public wished to speak.

Chair Duncan asked for a motion or any additional discussion on the Consent Calendar.

MOTION: Vice Chair Weiss moved and Commissioner Steward seconded the motion to approve the Consent Calendar.

The motion carried with the following vote:

Yes: 4 - Chair Duncan
Vice Chair Weiss
Commissioner Friedlander
Commissioner Steward

No: 0

Absent: 2 - Commissioner Davis
Commissioner Riviere

Abstain: 1 - Commissioner Hiremath

PUBLIC HEARINGS/GENERAL BUSINESS

2 [24-0985](#) Biennial Review of Priority Needs for Human Services and Supplemental Human Services Funding Recommendations.

Housing Program Analyst, Matt Hazel, provided the staff report. Housing Officer Jenny Carloni and Matt H. answered questions from commissioners.

After some clarifying questions of staff, Chair Duncan opened the public hearing at 7:25 p.m.

Upwards Community Impact Manager, Melanie F. spoke on behalf of in-home daycare facilities in Sunnyvale. Melanie offered to collaborate with Sunnyvale staff to continue the prioritization of economic development and childcare in Sunnyvale.

Chair Duncan asked Melanie if the organization is receiving funding from the City. Melanie stated that the organization is not currently partnered with the City and that the organization hopes to in the future.

Chief Community Resources Officer Pilar F. with Bill Wilson Center spoke in support of continuing to prioritize low income and special needs residents.

Sunnyvale Community Services (SCS) Executive Director Marie B. shared information on how SCS supports residents in the community. Marie B. shared current statistics on the population that SCS serves and noted that many of the families need food and housing assistance.

Chair Duncan asked and Marie B. clarified the SCS unduplicated clients statistics.

Erika Laguna, Director of Program Operations for Downtown Streets Teams shared information on the WorkFirst Sunnyvale Program.

Commissioner Friedlander asked if the program tracks the employment retention rates and Erika confirmed the program does.

Commissioner Steward asked and Erika clarified what barriers have been removed for clients who are in the program.

David H. with SCS shared information on a Housing and Urban Development (HUD) funded program and spoke in support of the agenda item.

Rose G. with Helping Hands spoke about her experience with the unhoused in the Sunnyvale community.

Commissioner Steward asked Rose how she receives information from the unhoused.

Rose confirmed that she speaks directly with the unhoused by phone.

Shaunn C. spoke in favor of new funding for the unhoused community support.

Shaunn recommended the continued support from the City for SCS.

Michelle S. attorney with Senior Adults Living Assistance (SALA) shared information about how the organization assists seniors within the community. She also spoke in support of the supplemental human services funding recommendations.

Samantha P. Grant Manager of Child Advocates of Silicon Valley shared information about the program and how they support and serve the youth in the community. Samantha P. spoke in favor of the supplemental human services funding.

Chair Duncan closed the public hearing at 8:02 p.m.

After a lengthy discussion and additional questions of staff, Chair Duncan asked for a motion.

MOTION: Commissioner Weiss moved and Commissioner Steward seconded the motion to approve Alternative 1 and Alternative 3 with modification of Alternative 1 to direct staff to adjust the General Fund appropriation for human services grants to \$150,000 for FY 2025/26 and FY 2026/27 to be included in the FY 2025/26 Recommended Budget; and increase the General Fund supplemental grant based on Consumer Price Index (CPI) every two years starting in FY 2027/28 from the base of \$150,000.

The motion carried by the following vote:

Yes: 5 - Chair Duncan
Vice Chair Weiss
Commissioner Friedlander
Commissioner Hiremath
Commissioner Steward

No: 0

Absent: 2 - Commissioner Davis
Commissioner Riviere

- 3** [24-1089](#) **Proposed Project:**
Introduce an Ordinance to:
Amend Article 5 (Special Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Allow Safe Parking as a Primary or Ancillary Use at Specified Sites, other related Zoning Code Amendments, and related Amendments to the Peery Park

Specific Plan Land Use Table and Direct Staff to Pursue
Implementing a Safe Parking Pilot Program on Public Land.

Location: Citywide

File #: PLNG-2024-0645

Zoning: C-4, MP-02, M-S, M-3, PPSP-IE, and PPSP-MIC and Place of
Assembly - Community Serving us sites

Environmental Review: Class 1 (California Environmental Quality Act
[CEQA] Guidelines Section 15301), Class 4 (Section 15304), and Class
11 (Section 15311) Categorical Exemptions and Section 16061(b)(3)

Project Manager: Amanda Sztoltz, (408) 730-7451,
asztoltz@sunnyvale.ca.gov

Homeless Services Manager Amanda Sztoltz provided the staff report and
answered questions from commissioners.

Chair Duncan opened public hearing at 8:35 p.m.

Sunnyvale Community Services Executive Director, Marie B. shared information on
the challenges the community faces and spoke in overall support of the RV safe
parking program.

Rose G. with Helping Hands asked if the RV safe parking program would serve
families and Amanda S. responded that the program operator would make that
determination.

Community member, Shaunn C. shared information on the challenges the unhoused
community faces and offered suggestions for the RV safe parking program.

Chair Duncan closed the public hearing at 8:55 p.m.

Chair Duncan asked for discussion or a motion from the commissioners.

MOTION: Commissioner Hiremath moved and Vice Chair Weiss seconded the
motion to approve alternatives 1, 2, and 3.

Recommend to City Council:

Alternatives 1, 2 and 3: 1) Introduce an Ordinance to Amend Article 5 (Special
Housing Issues) of Title 19 (Zoning) of the Sunnyvale Municipal Code to Allow Safe
Parking as a Primary or Ancillary Use at Specified Sites, other related Zoning Code
Amendments, and related Amendments to the Peery Park Specific Plan Land Use
Table (Attachment 2 to the report) and Find that the action is exempt from the

California Environmental Quality Act (CEQA) pursuant to the Class 1, Class 4, and Class 11 Categorical Exemptions and Section 16061(b)(3); 2) Direct Staff to Pursue Implementing a Safe Parking Pilot Program on Public Land; and, 3) Direct staff to include an option in the FY 2025-2025 Budget for a General Fund grant for a nonprofit or faith-based organization to provide a Safe Parking program on private land.

The motion carried by the following vote:

Yes: 5 - Chair Duncan
Vice Chair Weiss
Commissioner Friedlander
Commissioner Hiremath
Commissioner Steward

No: 0

Absent: 2 - Commissioner Davis
Commissioner Riviere

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

4 [24-1092](#) Proposed Study Issue for 2025: Affordable Educator Housing

Housing Officer, Jenny Carloni, provided the staff report and after, Vice Chair Weiss spoke on the proposal of the study issue.

Chair Duncan opened the public hearing at 9:15 p.m.

Sunnyvale Community Services Executive Director Marie B. shared information on SCS challenge of hiring staff because of unaffordable housing in the bay area. She spoke in overall support of the study issue.

Member of the public, Leesa R., on behalf of Santa Clara University colleagues, asked what the prioritization would be for staff and teachers and what the program would look like. Lisa R. spoke in overall support of the potential study issue.

Chair Duncan closed the public hearing at 9:23 p.m.

After a lengthy discussion from the commissioners, Chair Duncan asked for a motion.

Vice Chair Weiss accepted Commissioner Hiremath's revision to update the title of this study issue to Affordable Housing for Sunnyvale Educators. Sunnyvale Educators are to include teachers and other Sunnyvale educators staff.

MOTION: Vice Chair Weiss moved and Commissioner Hiremath seconded the motion to sponsor the study issue.

The motion carried by the following vote:

Yes: 5 - Chair Duncan
Vice Chair Weiss
Commissioner Friedlander
Commissioner Hiremath
Commissioner Steward

No: 0

Absent: 2 - Commissioner Davis
Commissioner Riviere

5 [24-1090](#) Proposed Study Issue for 2025: Homeless Encampment Service for Hygiene and Safety of Homeless Citizens and the Surrounding Public, to include Toilets, Sinks, Fresh Water, and Trash Pick-up

Homeless Services Manager Amanda S. gave a brief staff report and noted that based on conversation with Commissioner Steward, it was identified that the scope of this study issue is covered under the existing Study Issue 24-03. Therefore, Commissioner Steward requested the Commissioners not sponsor the proposed Study Issue.

Chair Duncan opened and closed the public hearing at 9:35 p.m., upon confirming that no members of the public wished to speak.

After discussion and clarifying questions, Chair Duncan asked for a motion.

MOTION: Commissioner Steward motion and Commissioner Hiremath seconded the motion to not sponsor the study issue because the scope of the study issue will be incorporated to the existing study issue.

The motion carried by the following vote:

Yes: 4 - Chair Duncan
Vice Chair Weiss
Commissioner Friedlander
Commissioner Hiremath

No: 1 - Commissioner Steward

Absent: 2 - Commissioner Davis
Commissioner Riviere

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Councilmember Sell thanked staff and commissioners for their service to Sunnyvale.

Commissioner Hiremath and Chair Duncan thanked Edith for her help and support with the commission throughout the years.

-Staff Comments

Housing Officer Jenny Carloni made the following announcements:

- Study issues that are proposed after tonight's meeting would be considered for the following FY.
- The next Housing and Human Services Commission meeting is a special meeting on November 19
- Homeless Services Manager, Amanda Sztoltz, will be the staff liaison for the Nov. 19 meeting and Jenny will attend the City Council meeting
- Housing Programs Technician, Janelle Resuello, is the new Recording Officer for Housing and Human Services Commission
- Housing Programs Technician, Edith Alanis, is retiring and thanked her for her 17 years serving the commission

INFORMATION ONLY REPORTS/ITEMS

None.

[24-1088](#)

Housing and Human Services Commission Proposed Study Issues,
Calendar Year: 2025

None.

ADJOURNMENT

Chair Duncan adjourned the meeting at 9:40 p.m.



Sunnyvale

City of Sunnyvale

Agenda Item

24-1150

Agenda Date: 11/19/2024

SUBJECT

Approve the 2025 Master Work Plan

RECOMMENDATION

Approve the 2025 Master Work Plan as submitted.

Draft 2025 Master Work Plan

Housing and Human Services Commission Annual Calendar

MEETING DATE	AGENDA ITEM/ISSUE
January 22	<ul style="list-style-type: none"> • Rank Study Issues
February 26	<ul style="list-style-type: none"> • Presentation: Proposals for CDBG and General Fund Human Services funding for FY 2025/26 and FY 2026/27 and CDBG/HOME Capital Project Loans for FY 2025/26
March 26	<ul style="list-style-type: none"> • Public Hearing: Recommended Funding of CDBG Human Services Grants and CDBG/HOME Capital Project Loans
April 23	<ul style="list-style-type: none"> • Public Hearing: Draft FY 2025-2030 Consolidated Plan • Public Hearing: Draft FY 2025-2026 HUD Action Plan
May 28	<ul style="list-style-type: none"> • Review Recommended Budget
June 25	<ul style="list-style-type: none"> • Presentation: Recognition of Service
July 23	<ul style="list-style-type: none"> • Selection of Chair and Vice Chair for FY 2025/26
August 27	TBD
September 16* <i>Tuesday</i>	<ul style="list-style-type: none"> • Public Hearing: Review of Consolidated Annual Performance Evaluation Report (CAPER) on CDBG and HOME grants for FY 2024-2025
October 22	<ul style="list-style-type: none"> • Last Opportunity to propose and/or review new Study Issues and Budget Issues • Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials
November 18* <i>Tuesday</i>	<ul style="list-style-type: none"> • Approve 2026 Master Work Plan • Final Study and Budget Issue Discussion • Public Hearing: Review and Finalize Draft Request for Proposals and Applications for CDBG/HOME Capital Projects for FY 2026-2027
December 16* <i>Tuesday</i>	<ul style="list-style-type: none"> • Final month to Approve 2026 Master Work Plan • Final month for Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials

* **Special Meetings to accommodate HUD deadlines or holidays.**

Additional items yet to be scheduled:

- Any Alternative Compliance Plans
- Consent Calendar items are not listed on the Work Plan
- Study Issues ranking date to be determined based on 2025 Study Issues Workshop date

- Housing Element Implementation Items
- Study Issue: Consider 20% Inclusionary
- Tenant Protections Ordinance
- Study Issue: Sanctioned Encampment



City of Sunnyvale

Agenda Item

24-1153

Agenda Date: 11/19/2024

Review Two Draft Request for Proposals for FY 2025/26 and FY 2026/27 CDBG and General Fund Human Services and FY 2025/26 CDBG Capital Projects

BACKGROUND

The City of Sunnyvale receives annual entitlement grants of Community Development Block Grant (CDBG) and Home Investment Partnership Funds (HOME) funds from the U.S. Department of Housing and Urban Development (HUD), as well as “program income” from loan repayments. Each year the City solicits proposals from local organizations to use a portion of these funds to provide eligible housing and community development services or projects to the Sunnyvale community. The City also sets aside general fund monies to fund Human Services programs and services every two years.

The Requests for Proposals (RFP) set forth the types of public services (human services) programs, capital and housing projects that are eligible for CDBG, HOME, and General Fund grants from the City and explains the City’s process for evaluating and scoring proposals, determining award amounts, and approving of the awards.

DISCUSSION

The City anticipates receiving a CDBG grant of approximately \$1.0 million and a HOME grant of approximately \$375,000 from HUD, subject to federal appropriations for Program Year 2025.

The City estimates that approximately \$600,000 in regular entitlement grant CDBG funds may be available for these RFPs. Due to the recent entry into a two-year TBRA contract, no HOME funds will be available for these RFPs. Staff also anticipates that approximately \$200,000 of the City’s General Fund will be available for human services grants. The actual amount of funding available for FY 2025-26 may be significantly more or less than these estimates, depending on federal appropriations and the City’s receipt of program income during the remainder of the current year. Staff expects to have a more accurate estimate of available funding by the time final award amounts are proposed in March 2025.

The City will release the two RFPs on December 11, 2024, as shown on the timeline on Attachment 1. The deadline to submit proposals and planned public hearing dates are also shown on the timeline. All dates are subject to change.

STAFF RECOMMENDATION

Review the two draft RFPs and provide any comments/suggestions for any changes to the final RFPs.

A formal vote on any suggested changes is not required, as these are administrative documents. This RFP review is the final opportunity for the HHSC to make modifications prior to it being released in December.

Staff

Prepared by: Matthew Hazel, Housing Programs Analyst

Reviewed by: Amanda Sztoltz, Homeless Services Manager

Reviewed by: Jenny Carloni, Housing Officer

ATTACHMENTS

1. Funding Application Timeline
2. Draft Human Services RFP
3. Draft Capital Projects RFP

Application Timeline for Fiscal Year 2025/26 Standard CDBG/HOME Funding Cycle

Note: Dates are subject to change. Please contact Housing staff to confirm dates.

RFP Issuance	December 11, 2024
Deadline to Submit Questions	December 17, 2024
Deadline for Submission of Applications (4:30 p.m.)	January 15, 2025
Applicant presentations to Housing & Human Services Commission*	February 26, 2025
Housing & Human Services Commission Meeting: Public Hearing; Commission recommendations on human services and capital/housing projects funding	March 26, 2025
Housing & Human Services Commission Meeting: Public Hearing on FY 2025/26 Action Plan	April 23, 2025
City Council approval of Action Plan	May 6, 2025

*If a large number of applications are received, an additional meeting may be scheduled in early March to allow adequate time for all applicant presentations.



Sunnyvale

**Community Development Block Grant (CDBG) &
General Fund**

**Request For Proposals
for
Human Services Funding
Program Years 2025/26 and 2026/27**

Release Date:
Dec. 11, 2024

Proposals Due on:
Jan. 15, 2025, by 4:30 p.m.

Community Development Department, Housing Division
408-730-7250 | Sunnyvale.ca.gov

456 West Olive Avenue, Sunnyvale, CA 94086-3707

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REQUEST FOR PROPOSALS

I. INTRODUCTION

The City of Sunnyvale hereby requests proposals for Human Services (Public Services) activities to be funded in fiscal years 2025-26 and 2026-27.

This Request for Proposals (RFP) is open to non-profit agencies seeking funding for human services that will meet priority or unmet community needs in Sunnyvale. Proposals must address one or more of the goals, policies, and priorities of the City's 2020-2025 HUD Consolidated Plan to be eligible for funding. Please refer to Attachment D and the funding priorities on the following page for a description of the types of services that are eligible. Applicants will be required to comply with the policies and procedures established by the City of Sunnyvale's Human Services Policy (Attachment A).

The City funds human services on a two-year funding cycle. Human services programs awarded funding for FY 2025/2026 will be automatically eligible for a grant of similar size in FY 2026/2027, subject to satisfactory performance in the first grant year, and funding availability for the second year. Funding in the second year may be greater or less depending on federal funding allocations announced in Spring 2026. A second application for FY 2026-27 is not required. This Request for Proposals (RFP) sets forth the types of Human (Public) Services Programs that are eligible for CDBG and General Fund grants for the next two years, and CDBG-CV programs that are eligible for funding for one year.

Proposals submitted in response to this RFP must demonstrate that the proposed service can be more cost-effectively operated by the proposer than by the City, or because of its unique role in the community, applicant is the most capable service provider. Proposer must demonstrate good faith efforts to secure matching funds for services from other sources.

Available Funds and Grant Limits

Community Development Block Grant (CDBG) Funding

The Community Development Block Grant Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the CDBG program is the development of viable urban communities through the provision of decent housing, a suitable living environment, and expanded economic opportunity, principally for lower income persons and neighborhoods.

The City of Sunnyvale anticipates receiving a CDBG allocation of approximately \$1.0 million from the Department of Housing and Urban Development (HUD) for Program Year 2025. Staff estimates that up to \$180,000 in CDBG funds will be available for human services grants next year. The final funding amount will be known in Spring 2025. The minimum grant request for applicants seeking CDBG funds is \$25,000.

Community Development Block Grant-Coronavirus (CDBG-CV)

In 2020 through the Community Development Block Grant CARES Act, Congress provided the CDBG-CV grant to states, insular areas, and local governments to prevent, prepare for, and respond to the spread of COVID-19

CDBG-CV funding is only intended for use during fiscal year 2025-2026; all funds must be

Request for Proposals for Human Services Funding in PY's 2025 & 2026

expended within the fiscal year.

The City of Sunnyvale has up to \$150,000 in one-time CDBG-CV funding for eligible projects; the minimum grant request is \$25,000.

General Fund

The City of Sunnyvale offers general fund grants for human service programs and services that align with the City's HUD Consolidated Plan (refer to Section III).

The City of Sunnyvale has up to \$200,000 in general funds annually for human services grants for this two-year cycle. The maximum grant amount is \$24,999.

All funding is subject to City budget approval.

FUNDING CHART BY GRANT TYPE

Funding Type	Estimated Amount Available (FY2025-26)	Availability	Appropriate Funding Use (See Section III Eligibility for Funding)	Minimum Grant Amount	Maximum Grant Amount
CDBG	\$180,000	Ongoing (subject to budget approval)	<ul style="list-style-type: none"> - New service or increase in existing service (unless currently funded) - Meets HUD national objective - Meets a Sunnyvale Con Plan priority need 	\$25,000	\$45,000 25% of estimated Entitlement
General Fund	\$200,000	Ongoing (subject to budget approval)	- Same as CDBG	\$10,000	\$24,999
CDBG-CV	\$150,000	One-time FY2025-26	<ul style="list-style-type: none"> - Same as CDBG, and - Must prevent, prepare for, or respond to COVID. 	\$25,000	\$150,000

Application Process

1. Complete and submit written application through the city's CDS grants management online database
2. Proposal eligibility determination, evaluation, and scoring by Sunnyvale Housing staff
3. Funding recommendations by Sunnyvale Housing staff
4. Housing and Human Services Commission review of proposals and funding recommendations
5. Final approval by City Council upon approval of the 2025 Action Plan

The following attachments are included for your use and reference in completing the online application form:

- A. Human Services Policy
- B. HUD Income Limits
- C. Compliance with National Objectives
- D. Excerpts from 2020-25 Consolidated Plan
- E. Timeline for the FY 2025-2026 Funding Cycle
- F. Organizational Requirements
- G. Insurance Requirements

Application Submittal

1. The Fiscal Year 2025-2027 Request for Proposal process includes the elimination of hard-copy applications. Applications will be submitted online through City Data Services at: www.citydataservices.net
2. Each applicant will be issued a username and password to complete the application. Any technical questions related to the application should be addressed by City Data Services at support@citydataservices.com

City staff will provide written answers to written questions. Questions are to be submitted to Matt Hazel, Housing Programs Analyst, by 12/17/2024 via email to mhazel@sunnyvale.ca.gov. All questions will be directly answered by 12/23/2024.

**Proposals must be received in CDS by the Housing Division.
Late or incomplete proposals will NOT be accepted.
Application Deadline: 4:30 PM (PST) on Jan. 15, 2025**

II. FUNDING OBJECTIVES

The City of Sunnyvale's Consolidated Plan, adopted in July 2020, is a 5-year plan that identifies housing and other community development needs, analyzes federal resources, and provides strategies for addressing the identified needs (Attachment D). The City provides human services grants for services which address identified priority needs and principally benefit lower-income people in Sunnyvale.

Funding Priorities

The "Priority Needs" for the City of Sunnyvale's Community Development Block Grant Program were determined through a series of public community meetings and were adopted as part of the 2020 Consolidated Plan in accordance with regulations established by HUD, and additional public hearings held in October and November of 2020.

The following objectives in the Consolidated Plan are associated with human services:

1. Help people who are currently homeless or at imminent risk of homelessness to obtain housing, employment or other sources of income, and adequate support services/networks to achieve stability.
2. Support provision of essential human services, particularly for special needs populations (seniors, disabled, homeless people, children, youth, victims of domestic violence, etc.), including:
 - A. Basic needs (such as food, shelter, transportation, health & mental health care, employment assistance/training, childcare, etc).
 - B. After school or intervention programs to provide youth with positive alternatives to drugs, violence, and/or gangs (i.e., recreational, mentoring, educational, and career-building activities).
 - C. Mental health, addiction and substance abuse counseling, particularly for youth and those exiting institutions.
 - D. Other specialized supportive services, such as foreclosure assistance, legal assistance for seniors and others, and other specialized human services, such as those currently supported by the city, or those that may address a new or unmet priority need.

III. ELIGIBILITY FOR HUMAN SERVICES FUNDING

Programs for which funding is requested must meet all of the requirements of Council Policy 5.1.3 (Attachment A) and CDBG requirements in Attachment B. Proposals that do not meet these requirements will not be considered for funding.

Agencies applying for funding must meet all of the following eligibility criteria:

- Agency must be incorporated as a California non-profit organization, and must be tax-exempt (under Section 501(c)(3) of the IRS Code and Section 23701(d) of the California Revenue and Taxation Code).
- Applicants must be ready to implement programs by July 1, 2025.
- Programs must serve Sunnyvale residents.
- Programs must address one or more priority or unmet needs listed in Section II above.
- Organization must meet all Organizational Requirements listed in Attachment F.
- If applicant received a human services grant award in the previous two-year cycle, applicant must be in good standing, as follows: successfully completed grant program objectives, submitted required reports and invoices on time each year, and complied with all administrative requirements in each program year, with no unresolved monitoring findings from the City or HUD regarding the City-funded program.

CDBG Eligible Activities:

- To use CDBG funds for a human service, the service must be:
 - A new service provided in the 12 calendar months before the submission of the Action Plan on May 15th 2025.
 - If a service is existing, the service may be funded by being provided on behalf of the City of Sunnyvale with local or state funding.
 - If it is not provided on behalf of the City of Sunnyvale with local or state funding, the service may be funded if it be a quantifiable increase in the level of service provided in the 12 calendar months before the submission of the Action Plan, or
 - It is allowable for a service to continue receiving CDBG public service funding at the same or decreased level in subsequent program years.
- Programs must meet a national objective and eligibility requirements (Attachment C) or they will not be considered for funding.
- Over 50% of grant funds must benefit persons of low-income (less than 80% AMI, provided in Attachment B).

General Fund Eligible Activities:

- To use General Fund funds for a human service, the service is subject to the same requirements as CDBG activities, listed in the section immediately above.

CDBG-CV Eligible Activities:

- To additionally use CDBG-CV funds alongside CDBG or General Fund funding, the service is subject to the same eligibility guidelines stated above for CDBG eligible activities. This includes the service being either a new service or an increase in the level of existing service (unless continuing existing funding), and meeting a national objective in Attachment C.
- Furthermore, CDBG-CV funds for a public service must adequately demonstrate they provide a service that prevents, prepares for, or responds to coronavirus.
 - This often includes, but is not limited to, services that were increased to support coronavirus-related declines in income.
- Over 70% of grant funds must benefit persons of low- and moderate-income (less than 120% AMI, provided in Attachment B).

Ineligible Activities:

The following list includes the types of activities that may NOT be funded with CDBG funds. The list is not all-inclusive.

- Buildings or portions thereof used predominantly for the conduct of general government.
- General government expenses.
- Political activities.
- The purchase of equipment, except equipment to be used in connection with eligible CDBG funded activities such as administration and public services and integral structural fixtures.
- Operating and maintenance expenses, except for program administration and eligible public services.
- New housing construction, except when carried out by certain eligible nonprofit organizations.
- Payments to individuals for their food, clothing, rent, utilities, or other ongoing income payments.

IV. AMOUNT OF FUNDING AVAILABLE

- Estimated funds and maximum award amounts are referenced on Page 1.
- The amount of City funds requested shall not exceed the proposer's cost to serve Sunnyvale residents, based on the pro-rata share of Sunnyvale residents relative to the overall program cost.
- The amount requested shall be based on the proposer's actual costs, based on expenditure documentation, agency budgets and financial audits, to serve the number of clients proposed to be served with the type of service proposed.
- Agencies may not request additional City funds for the same program after the grant awards have been made for the same two-year period.
- Non-expendable equipment purchases are not eligible.
- Grantees must comply with all CDBG regulations applicable to public service activities, including low-income benefit, which requires that at least 51% of the program's clients are low-income (Attachment B).

V. APPLICATION SCORING

Applications deemed eligible by staff will be scored using the following point system. Staff scores are advisory to the Commission and Council, which may adjust, modify, or disregard scores if desired.

Request for Proposals for Human Services Funding in PY's 2025 & 2026

Scoring Category	Maximum Points
<p>1. Organizational Capacity and Relevant Experience Organization's staff, board, and volunteers, if any, are well qualified to complete and operate project, considering:</p> <ul style="list-style-type: none"> - Years of experience in program delivery completing the current program or similar projects and number of similar projects completed. One (1) point will be awarded for every two (2) years the current program or a similar project has been completed; up to five (5) points for ten (10) years. - A track record of consistent performance and compliance under prior CDBG or human services grants. One (1) point will be awarded for every successful CDBG grant funded program completed; up to five (5) points for five (5) program years. It is possible to receive credit for more than one program in a single year if received CDBG award from multiple funding agencies. Partial years will be rounded up after 6 months of operations. <ul style="list-style-type: none"> - Up to two (2) extra points can be awarded for those programs provided by the City of Sunnyvale, if any. - Up to three (3) points for Agency's language capabilities and cultural competency appropriate to the target clientele and entire Sunnyvale community will be evaluated in this category. Agency has a stable staff, board, and financial position. - Two (2) points awarded for over 75% of board positions having a tenure of three (3) years or more. One (1) point for over 50%. - Two (2) points awarded for over 66% of staff positions having prior relevant experience. One (1) point awarded for over 33%. - Up to four (4) points awarded for structured organizational chart and functionality between departments. 	<p>23</p>
<p>2. Need for Program</p> <ul style="list-style-type: none"> - Program clearly addresses one or more priority or unmet needs identified in Consolidated Plan and RFP. Proposed program would address one or more of the four need categories identified in the Consolidated Plan: basic needs, counseling/substance abuse programs, youth intervention, or other supportive services. - Twenty (20) points awarded for those programs that address a priority or unmet need identified in the Consolidated Plan and RFP. No points are awarded to programs that do not address a priority or unmet need. NOTE: applications for programs that do not meet a priority or unmet need will not be considered. - An additional five (5) extra points can be awarded for those programs that meet more than one priority or unmet need. 	<p>25</p>
<p>3. Program Design and Readiness</p> <ul style="list-style-type: none"> - Program design (operational and financial) is cost-effective, feasible, generates cost savings for the City, and is effective in meeting the stated needs and objectives of the program. <ul style="list-style-type: none"> - Four (4) points awarded for apparent cost-effective program design, and cost savings for the City. - Four (4) points awarded for apparent feasibility of program delivery. - Four (4) points awarded for each prior year accomplishment data of the current program or a similar project exemplifying meeting the stated needs 	<p>25</p>

Request for Proposals for Human Services Funding in PY's 2025 & 2026

<p>and objectives of the program. Up to twelve (12) points awarded for up to three prior years' data.</p> <ul style="list-style-type: none"> - Applicant is ready and able to begin providing service no later than July 1, 2025. Five (5) points awarded for program adequately apparent to start on time. The City may provide fewer than 5 points for uncertainty. 	
<p>4. Budget and Financial Management</p> <ul style="list-style-type: none"> - Budget scores based on realistic cost estimates and budget for various project cost items based on previous years' budgets. Up to five (5) points awarded based on calculation explanation. - Financial management points based on clean financial audits for prior years. Two (2) points awarded for each consecutive prior year financial audit with an Unqualified or Qualified audit opinion. Up to six (6) points awarded for up to three prior year audits. - A strong record of financial compliance with current or prior HUD/City projects, and strong and stable financial position of the agency in general. Two (2) points awarded for each consecutive financial statement or detailed support showing stable financial position. Up to six (6) points awarded for up to three prior year financial statements. 	17
<p>5. Percentage of Matching Funds for Sunnyvale Program</p> <ul style="list-style-type: none"> - Points awarded based on a sliding scale beginning with 1 point for a 20% match, and 10 points for 200% match, i.e., each increase of 20% in matching funds equates to one additional point, up to 10 points. Matches of more than 200% will not receive additional points. Only those funds proposed to be used to serve Sunnyvale clients will be counted as match. 	10
Total Points Available	100

Request for Proposals for Human Services Funding in PY's 2025 & 2026

Note: There is no direct correlation between a proposal's score and the amount of funding recommended for that proposal. Scores are calculated simply for the purpose of evaluating a project's merit for any City funding and comparing the strengths and weaknesses of various proposals received. Projects with equal scores may be awarded different funding amounts, or a project with a lower score may receive a larger award than a project with a higher score. Funding recommendations and/or awards are based on a) amount requested by applicant; b) the City's determination of the project's need and/or eligibility for City funds; c) the minimum amount necessary to make the project feasible; and d) the amount of City funds available.

ATTACHMENT A – HUMAN SERVICES FUNDING

Council Policy 5.1.3: Human Services

POLICY PURPOSE:

The City of Sunnyvale recognizes that the supportive human services programs of the Federal, State, and County governments do not fully meet the needs of all its population. The City, therefore, shall make its best efforts to provide supplemental human services, which include but are not limited to the emergency services, senior services, disabled services, family services and youth services.

The City establishes this Human Services Policy to insure that Human Services are identified and provided in the most efficient and effective manner.

This policy establishes guidelines for funding programs/services that may be provided on behalf of the City by outside groups. The intent of this policy is to:

- A. Establish a process through which outside groups can be funded to provide needed human services cost-effectively.
- B. Establish a methodology by which programs/services proposed by outside groups can be assessed.
- C. Establish an evaluation system that assures equity in the process of funding considerations by Council.
- D. Establish the type and amount of funding commitment that the City will provide.

This policy does not apply to those outside groups with whom the City contracts to provide City services other than human services. Human Services Agencies are defined as those which provide supportive services to a specific group of people, at least 51% of whom are lower income (80% or less than of area median income).

POLICY STATEMENT:

- I. The City will bi-annually, prior to adoption of the two-year Resource Allocation Plan, review prevailing conditions of human needs within the City and give appropriate attention to Human Services Policies in the City. The Housing and Human Services Commission, following one or more public hearings, will recommend to City Council priority human service needs for the next two years. Following a public hearing, City Council will adopt a two-year priority of human service needs.
- II. The City seeks to meet as many Human Service needs as possible using its limited available resources. The primary resource utilized for funding human services is the Federal Community Development Block Grant (CDBG) which permits up to 15% of the annual grant entitlement to be utilized for such purposes. The City Council may choose to supplement CDBG funding of human services through the annual Operating Budget process.

- III. The City assumes an advocacy role to manage the use of its resources to meet human service needs in Sunnyvale in the following ways:
- Encourages and advocates coordination and cooperation among organizations providing Human Services in Sunnyvale
 - Advocates, encourages and wherever possible, facilitates the co-location of human service providers.
 - Actively pursues the cooperation of Federal, State, County and other agencies to enhance the quality and availability of human services to residents of Sunnyvale.

- IV. The City *may directly provide* needed Human Services when:

- Specifically targeted intergovernmental funds (such as CDBG) are available. The City is the most cost-effective or logical provider of the service, AND
- Provision of such services by the City is compatible with the City's General Plan, policies and/or action plans.

- V. The City may *fund service providers* of needed human services when:

- Specifically targeted intergovernmental funds (such as CDBG) are available,
- Another agency is the most cost-effective or logical provider of the service, AND
- Provision of such services by the City is compatible with the City's General Plan, policies and/or action plans.

VI. PROPOSAL FUNDING CATEGORIES:

Programs requesting funding must qualify under one of the categories below:

Operational: Funding of programs and services to address identified community needs or problems as specified in the City's General Plans or other policies through direct financial support and/or in-kind contributions.

- Programs/services funded under this category must represent a service that can be more cost-effectively operated by the proposer than by the City, or
- Must be such that the proposer because of its role in the community is the most logical service provider.
- Funding may be provided on a multi-year basis but is not guaranteed. Continued funding is contingent upon City budget limitations and proposer's previous program performance.
- Proposer must demonstrate good faith efforts to secure funding for programs/service from other sources.

Emergency: Funding of operational programs offered in the community that meet an existing need for which normal funding is no longer available.

Proposers and programs qualifying under this category must demonstrate:

- Good performance of current programs;
- Current financial difficulties will largely curtail the services currently provided to City residents;

- Future funding to continue the program can be obtained from other sources with reasonable probability;
- Funding for programs qualifying under this category shall be limited to one year.

Seed Program: Funding for start-up of new programs designed to meet a significant community need or problem.

- Proposers must demonstrate a high probability that funding can be sustained beyond the commitment of City funds;
- Initial funding for seed programs is limited to one year;
- Second year funding may be possible if the program demonstrated good performance or special factors related to the continued need for funding can be demonstrated;
- Prospect must demonstrate good faith efforts to secure funding for programs/services from other sources.

Project: Funding of capital or other one-time projects designed to address a significant community need or problem.

- Funding of such projects shall be limited to a specific time frame, usually not more than one year.

VII. APPLICATION POLICY STATEMENT:

The City wishes to consider funding of needed and appropriate services. In order to determine which agencies should be awarded funding, the Council has adopted a formalized human services funding application procedure. All groups desiring to act as service providers, and requesting City funds to do so, must submit a complete application by specific due dates. Public notice of the availability of requests for proposals and the specified dates will be provided in ample time for applications to be prepared.

All applicants desiring a grant from the City to provide human and social services will be required to comply with the application procedure and time schedule. All applications will have to meet the following three criteria:

1. Provide a service consistent with an existing recognized City priority need, policy, goal or objective;
2. Request funds for a program or project that qualifies under one of the four previously identified funding categories;
3. Have completed the application process and the application has been determined to be accurate and complete.

VIII. EVALUATION PROCESS:

To assure all applications for City funding of human services receive due consideration and to ensure Council is provided with the information it needs to make its funding decisions, the following evaluation process will be applied to requests received:

1. Applications not received by the due date will be rejected. Applicants submitting applications, which are materially incomplete, will have five working days from notification by staff to correct any deficiencies, or their applications will not receive further evaluation.
2. Staff will determine proposal eligibility based on guidelines provided in this policy. Proposals not qualifying will not be recommended to Council for funding and will not receive further evaluation.
3. Staff will prepare a technical evaluation of the applications and make recommendations to the Housing and Human Services Commission based upon the priorities adopted by City Council and upon its evaluation of the applicant's ability to effectively deliver such services.
4. The Housing and Human Services Commission will conduct formal evaluations of the applications, including the opportunity for each group to present its program in public hearing for evaluation. The Commission will make recommendations to the City Manager and Council for allocation of available CDBG funds to outside groups to provide human services. The Commission may also notify the City Manager and City Council of applications where a significant need will remain unmet even if Council allocates CDBG funds as recommended. The City Manager may recommend, and the City Council may provide supplemental funding from the annual Operating Budget.
5. The City Manager will forward the Commission recommendation to Council with a staff recommendation thereon.

The Housing and Human Services Commission shall develop evaluation criteria, which criteria must be consistent with adopted Council policy. Staff and the Commission will apply these criteria uniformly to all applications reviewed. The following guidelines for general evaluation criteria include (but are not limited to):

Critical Evaluation Factors. Each of these factors must be met for the program to receive a recommendation for City funding.

- The organization must meet minimum eligibility standards to receive funding.
- The organization and its program must have demonstrated good performance and capability to effectively provide the program.
- The organization and its program must deliver services in a cost-effective manner.
- The organization must be an appropriate agency to deliver this program.
- The program must not be a duplication of services provided in the same service area.
- The organization and its programs must demonstrate strong financial management *and effective management controls*.
- The proposed program must have a contingency plan for funding if City support is limited or eliminated in the future.

Favorable Evaluation Factors. The proposed program must address one or more of the following factors to receive a positive recommendation.

- The proposed program addresses a priority adopted by the City Council and is related directly to a general plan policy.

- The proposed program is a needed enhancement of any existing City program, and can be better performed by an outside group than by the City directly.
- The program has a diverse funding base and is not heavily reliant upon City funds to support its operation.
- The program has leveraged City funds with other funding sources to maximize service provision.

(Adopted: RTC 81-617 (10/13/1981); Amended: RTC 99-430 (10/19/1999); Amended: RTC 06-112 (4/11/2006))

Lead Department: Community Development Department

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ATTACHMENT B – HUD INCOME LIMITS

2024 INCOME LIMITS for CDBG and HOME FUNDED PROGRAMS Santa Clara County

Area median income as determined by HUD: \$184,300

To qualify for one of the Housing Division's CDBG or HOME funded programs, your household's combined gross annual income cannot exceed the maximum low-income limit (80%) for your household size established by HUD.

Maximum Income by Household Size:

Income Category	Number of Persons in Household							
	1	2	3	4	5	6	7	8
Extremely Low (30%)	\$38,750	\$44,250	\$49,800	\$55,300	\$59,750	\$64,150	\$68,600	\$73,000
Very Low (50%)	\$64,550	\$73,750	\$82,950	\$92,150	\$99,550	\$106,900	\$114,300	\$121,650
Low (80%)	\$102,300	\$116,900	\$131,500	\$146,100	\$157,800	\$169,500	\$181,200	\$192,900

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ATTACHMENT C – CDBG NATIONAL OBJECTIVES

The primary objective of the CDBG program is *“the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for lower-income persons.”* All projects or programs funded with CDBG funds must meet the following national program objective:

1. Principally benefit lower income persons: At least 51 percent of the program’s beneficiaries must be of lower income as defined by HUD, or the activity must serve a geographic area where at least 51 percent of the residents are lower income, or the activity must serve a “limited clientele group” as defined by HUD.

HUD defines low- and lower-income persons as those whose total household incomes do not exceed the HUD Section 8 Rental Income Limits based on roughly 80% of Area Median Income (AMI). Please refer to Attachment B for the current HUD Income Limits.

National Objective Sub-categories:

Your agency must select one of the two methods for compliance with the national objective of principally benefiting lower-income persons.

Area Benefit Activity: If activities addressing the needs of residents of a specific geographic area within the City where at least 51% of the residents are lower-income.

Limited Clientele Activity: If your activity benefits a specific group of people, who are presumed to be lower-income (see below for a listing of groups presumed to be lower income); or if you will be verifying client income to demonstrate that at least 51% of your clients are lower-income persons, or if your program only serves lower-income persons.

You must be able to document that 51% of your program’s clients are lower-income, consistent with applicable HUD requirements.

Specific groups **presumed** by HUD to be lower income are:

- Abused Children
- Homeless persons
- Battered persons
- Elderly persons
- Adults meeting the Bureau of Census’ Current Population Reports definition of “Severely Disabled”
- Illiterate adults
- Persons living with HIV/AIDS, and
- Migrant farmworkers

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ATTACHMENT D – CONSOLIDATED PLAN

Selected Excerpts from 2020-25 Consolidated Plan (Pages 138 thru 139)

Goal 2: Alleviation of Homelessness

Strategy: Under the Housing First model promulgated by local, state, and national policy analysts, it is much more cost-effective for the public and private sectors to move chronically homeless people into stable housing as soon as possible, to minimize costly and often repetitive utilization of emergency medical care, public safety services, courts, incarceration, hospitalization, and other costly interventions. It is also much more cost-effective to prevent people from becoming homeless in the first place and getting them into housing as soon as possible if they do become homeless, through prevention and rapid re-housing programs.

Geographic Targeting: City-wide or outside of the City, as long as Sunnyvale clients can be served. Many facilities and housing projects that serve homeless people are funded jointly by multiple agencies and jurisdictions and serve a county-wide clientele. Sunnyvale has traditionally participated in these regional efforts, as homeless people often move frequently between jurisdictions. Sunnyvale has funded a number of these projects with either operational (services) funding or capital funding, such as: the two new permanent supportive housing developments in Sunnyvale (Parkside Studios and Onizuka Commons), which will provide 47 units for homeless clients; three group homes in Sunnyvale (two for tenants with mental disabilities and one for youth aging out of foster care); Peacock Commons and the Jackson Street maternity group homes in Santa Clara; Maitri House in Cupertino for domestic violence victims and their children, and several other facilities elsewhere in the county.

Priorities: Homeless families with children, elderly individuals, single women, domestic violence victims, unaccompanied youth, chronically homeless individuals, those with disabilities, and other vulnerable or at-risk clients.

Actions:

1. Help people who are currently homeless or at imminent risk of homelessness to obtain housing, employment or other sources of income, and adequate support services/networks to achieve stability.
 - a) Continue to implement the WorkFirst Sunnyvale Program, which provides employment development, job search assistance, training and supportive services to Sunnyvale homeless clients, to help them obtain paid employment and permanent housing.
 - b) Continue to implement the TBRA program for homeless and at-risk clients, many of whom have obtained employment through the WorkFirst Sunnyvale Program. The TBRA program provides transitional rental assistance for a term of up to two years, which may include security deposit and/or monthly rental assistance.
 - c) Continue to assist regional homeless service providers to provide interim shelter, supportive services, outreach, case management, credit counseling, and/or housing search assistance (through Goal C, Action 1, below).
 - d) Continue to participate in county-wide policy, planning and coordination efforts such as the Continuum of Care and Destination:Home's Community Plan to End Homelessness.

- e) Provide financing and/or technical assistance to developers of emergency shelter, transitional and/or permanent supportive housing projects.
- f) To the extent that local (non-HUD) funding is available for this purpose, provide funding for a Sunnyvale homelessness prevention and rapid re-housing program.

Goal 3: Other Community Development Efforts

Strategy: Use CDBG funding, as needed and as available, for other eligible activities, which may include public services, public facilities and/or improvements, and accessibility improvements.

Geographic Targeting: City-wide if possible, or elsewhere in the County or within reasonable proximity, as long as it can be demonstrated that Sunnyvale clients can be served effectively and as conveniently as possible.

Priorities: Services or facilities that primarily serve lower-income and/or special needs clientele (very low income, extremely low income, and/or special needs households (seniors, disabled, homeless people, children, youth, victims of domestic violence, etc.).

Actions

1. Support provision of essential human services, particularly for special needs populations:
 - a) Basic needs (such as food, shelter, transportation, health & mental health care, employment assistance/training, child care, etc.).
 - b) After school or intervention programs to provide youth with positive alternatives to drugs, violence, and/or gangs (i.e., recreational, mentoring, educational, and career-building activities).
 - c) Mental health, addiction and substance abuse counseling, particularly for youth and those exiting institutions.
 - d) Other specialized supportive services as may be requested by the community, such as foreclosure assistance, legal assistance for seniors and others, and other specialized human services, such as those currently supported by the city, or those that may address a new or unmet priority need.
2. Maintain/Expand Community Facilities and Infrastructure in neighborhoods that meet the “area benefit”, “limited clientele,” or “presumed benefit” criteria to qualify for CDBG assistance.
 - a) Support expansion, accessibility retrofits and/or rehabilitation of community facilities (parks, senior/community centers, childcare centers, health clinics, etc.).
 - b) Continue the curb retrofit program to improve accessibility of city sidewalks and crosswalks.
 - c) Support other public infrastructure projects (streetscape projects, sidewalk/utility improvements, traffic calming, removal of architectural barriers etc.) in locations identified by community members, stakeholders, or City staff as in need of improvement.

Goal 4: Expanding Economic Opportunities for Lower-Income People

1. Support economic development activities that promote employment growth and help lower-income people secure and maintain jobs

- a) Support employment development, training and vocational programs for Sunnyvale youth, homeless and at-risk clients, and/or other eligible clients seeking employment or retraining (such as disabled or re-entry workers) to the extent funding may be available.

Complete text of the 2020-2025 Consolidated Plan is available online at:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23237>

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ATTACHMENT E - TIMELINE

FY 2025-26 FUNDING CYCLE

(Subject to Change: Please check the Housing Division website frequently for updates)

RFP Issuance	December 11, 2024
Deadline to Submit Questions	December 17, 2024
Deadline for submission of applications (4:30 p.m.)	January 15, 2025
Presentations to Housing & Human Services Commission [Applicant participation mandatory]	February 26, 2025
Housing & Human Services Commission Meeting: Public Hearing; Commission recommendations on public services and capital project funding	March 26, 2025
Draft 2025/26 Action Plan available. 30-Day Public Comment Period Opens.	March 31, 2025
Housing & Human Services Commission Meeting: Public Hearing on FY 2025/26 Action Plan 30-day citizen comment period	April 23, 2025
City Council approval of Action Plan	May 6, 2025 (tentative)
Applicants notified of awards	May 2025
HUD approval	June 2025
Contract Term begins	July 1, 2025

All meetings will be held virtually. For meeting details, or to receive email updates, please contact to Housing@Sunnyvale.ca.gov with subject: Human Services Funding.

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ATTACHMENT F – ORGANIZATIONAL REQUIREMENTS

All agencies applying for funding must have all of the following:

- A. Bylaws - The group must have Bylaws which clearly define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.
- B. Governing Body - Governance of the organization should be vested in a responsible and active board which meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.
- C. Personnel - The organization must provide for adequate administration of the program to insure delivery of the services. The organization must provide that it has a written job description for each staff position and an organizational chart approved by the board. Normally one individual should be designated as the full time director of the organization. Organizations must have a written Affirmative Action Plan. This plan would cover employment of staff members, volunteers and board members and delivery of service to clients.
- D. Non-Discrimination - Every organization receiving funds from the City is required to assure that it will not discriminate in employment, exclude any person from participating or subject any person to discrimination under any part of the program on the basis of race, color, religious creed, national origin, ancestry, disability, medical conditions, marital status, sex, age of a person forty (40) years of age or older, or any other basis as to which discrimination is prohibited by state or federal law. Programs designed to meet specific needs may be targeted to specific groups (e.g., seniors, handicapped, youth).
5. Service Designed for Those With Disabilities - Every organization receiving funds from the City must comply with the Americans with Disabilities Act which requires that no otherwise qualified individual shall solely, by reason of his/her disability, be subjected to discrimination or be excluded from participation in or be denied the benefits of the organization. All organizations are required to make reasonable accommodation to ensure that individuals with disabilities are able to participate. This includes a barrier-free environment and, where reasonable, may even include the provision of assistive devices and/or staff accommodations.
6. Accounting - Each organization shall maintain accounting records which are in accordance with generally accepted accounting practices, such as that described in OMB Circular A-122, "Cost Principles for Non-profit Organizations," or A-21, "Cost Principles for Educational Institutions", as applicable, or in the American Institute of Certified Public Accountants (AICPA) "Accounting and Financial Reporting for Voluntary Health and Welfare Organizations". If they receive sufficient federal funds (currently \$300,000) some organizations must also comply with the administrative requirements of OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-Profit Organizations." OMB CIRCULARS A-133 AND A-122 ARE AVAILABLE FOR REVIEW IN THE COMMUNITY

DEVELOPMENT DEPARTMENT HOUSING DIVISION, 456 West Olive Avenue, Sunnyvale, CA 94086.

7. Auditing - Applicants must submit their latest Independent Audit and Management letter. An organization must have a bi-annual audit conducted and the auditor's report and financial statements prepared in accordance with generally accepted auditing standards as set forth in Standards for Audit of Governmental Organizations, Programs, Activities and Functions. In no event will an audit for a period ending prior to December 31, 2015 be deemed acceptable.

Funded programs will be required to have an independent audit performed. The audit will need to be submitted to the City within 150 days of the end of the organization's fiscal year. For CDBG, audit fees may not be charged to the CDBG grant unless a project is required to conform to OMB Circular A-133. If an agency prefers to have another agency act as the fiscal agent for the project, it may do so if the fiscal agent meets the entry criteria for the program(s), and a signed Statement of Fiscal Agent Responsibilities Form and an Independent Audit and Management Letter of the designated agency is also provided along with the application by the submittal deadline.

The City will require at least a bi-annual audit conducted and the auditor's report and financial statements prepared in accordance with generally accepted auditing standards as set forth in Standards for Audit of Governmental Organizations, Programs, Activities and Functions.

Organizations applying for funding will be required to submit documentation of the above, where applicable.

ATTACHMENT G – INSURANCE REQUIREMENTS

Agency shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from, or in connection with, the performance of the work hereunder by the Agency, their agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contractor's bid.

A. Minimum Scope and Limits of Insurance

Agency shall maintain limits no less than:

1. **Commercial General Liability**: coverage written on an occurrence basis with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury, personal injury, and property damage. ISO Occurrence Form shall be at least as broad as CG 0001.
2. **Automobile Liability**: \$1,000,000 coverage with a combined single limit of not less than \$1,000,000 per occurrence applying to all owned, non-owned, or hired vehicles used in conjunction with this contract for bodily injury and property damage. ISO Form shall be at least as broad as CA 0001.
3. **Workers' Compensation**: Statutory Limits and **Employers Liability**: \$1,000,000 per accident for bodily injury or disease.

Industry Specific Coverages. If checked below, the following insurance is also required:

- Liquor Liability coverage** written on an occurrence basis with limits not less than \$1,000,000 per occurrence.
- Professional Liability / Errors and Omissions Liability coverage** with limits not less than \$2,000,000 per occurrence or claim.
- Valuable Papers and Electronic Data Processing** with limits not less than \$10,000 each.
- Cyber & Tech Liability coverage** with limits not less than of \$1,000,000 per occurrence or claim.
- Crime coverage** with limits not less than \$500,000 to include third party premises endorsement.
- If working directly with minors, the Certificate of Insurance must include coverage for **molestation and sexual abuse** with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate.
- Pollution Liability coverage** with limits not less than \$1,000,000 per occurrence.
- MCS-90 Endorsement** to Business Automobile insurance for transportation of hazardous materials and pollutants.
- Garage Liability coverage** written on an occurrence basis with limits not less than \$1,000,000 per occurrence.

- Garage Keepers Liability coverage** with limits not less than \$100,000 per location.
- On-Hook coverage** with limits not less than \$100,000 per vehicle

B. Deductibles, Self-Insured Retentions and Other Coverages

Any deductibles or self-insured retentions must be declared and approved by the City's Risk Manager. The Agency shall guarantee payment of any losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

The aforementioned insurance requirements can be met through any combination of self-insured, primary and excess/umbrella policies that fulfill the stipulated coverage as cited above.

C. Other Insurance Provisions

1. During the term of the contract, the City of Sunnyvale, its officers, officials, employees, agents, and volunteers are to be covered as an additional insured in the Agency's commercial general liability policy (and if industry specific coverage box is checked above, liquor liability, valuable papers and electronic data processing, cyber & tech liability, pollution liability, and sexual abuse and molestation policies) with respects to liability arising out of activities performed by or on behalf of the Agency; products and completed operations of the Agency; premises owned, occupied or used by the Agency. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, agents, or volunteers. Additional Insured Endorsement for ongoing operations at least as broad as ISO CG 20 10 Scheduled, or automatic CG 20 38 and completed operations shall be at least as broad as ISO CG 20 37 scheduled or automatic ISO CG 20 40.
2. During the term of the contract, the Agency's Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Sunnyvale.
3. For all Architects, Engineers and Design Professionals - If Industry Specific Coverage box is check above and if the Contractor's/Consultant's Professional Liability/Errors and Omissions coverage is written on a claims made basis:
 - a) The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
 - b) Insurance must be maintained and evidence of insurance must be provided for at least three (3) years after completion of the contract of work.
 - c) If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor/Consultant must purchase "extended reporting" coverage for a minimum of three (3) years after completion of contract work.
4. For any claims related to this project, the Agency's insurance shall be primary. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents, and volunteers shall be excess of the Agency's insurance and shall not contribute with it and shall be at least as broad as ISO CG 20 01 04 13.
5. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents, or volunteers.

*Request for Proposals for Human Services Funding in PY's 2025 & 2026
Attachment G – Insurance Requirements*

6. The Agency's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
7. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
8. Any umbrella or excess insurance liability policies shall be true "following form" of the underlying policy coverage, terms, conditions, and provisions and shall meet all of the insurance requirements stated in this document, including the additional insured, SIR, and primary and non-contributory insurance requirements for the benefit of City (if agreed to in a written contract or agreement) until all coverage carried by or available to the Agency's primary and excess liability policies are exhausted and before the City's own insurance or self-insurance shall be called upon to contribute to a loss.
9. The policy limits of coverage shall be made available to the full limits of the policy. The minimum limits stated above shall not serve to reduce the Agency's policy limits of coverage. Therefore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is greater.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, and who are admitted and authorized to do business and in good standing in California unless otherwise acceptable to the City's Risk Manager.

E. Verification of Coverage

City utilizes PINSAdvantage.com (PINS) to track and verify all insurance related documents. City is no longer accepting Certificates of Insurance by mail and requires the use of PINS. City will email the Agency requesting proof of insurance for this contract through the PINS platform (no-reply@pinsadvantage.com), which include instructions on how to upload insurance documents electronically.

Agency shall furnish the City with an original Certificate of Insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City, Risk Manager prior to commencement of work.

The Agency shall provide certificate(s) evidencing renewals of all insurance required herein prior to the expiration date of any such insurance. Agency shall submit insurance certificates reflecting the policy renewals through PINS. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

F. Subcontractors

Agency shall require all subcontractors to procure and maintain insurance policies subject to these requirements. Minimum insurance coverage limits and endorsements required herein, do not preclude the Agency from requiring higher limits or additional insurance coverages as it deems necessary. Failure of Agency to verify existence of sub-contractor's insurance shall not relieve Agency from any claim arising from sub-contractors work on behalf of Agency.



Sunnyvale

Community Development Block Grant (CDBG)

Request for Proposals for Capital and Affordable Housing Projects for Program Year 2025

Release Date:
Dec. 11, 2024

Proposals Due on:
Jan 15, 2025, by 4:30 p.m.

Community Development Department, Housing Division
408-730-7250 | Sunnyvale.ca.gov

456 West Olive Avenue, P.O. Box 3707, Sunnyvale, CA 94088-3707

I. Background

What is CDBG?

The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the CDBG program is the development of viable urban communities through the provision of decent housing, a suitable living environment, and expanded economic opportunity, principally for lower¹ income persons and neighborhoods.

CDBG National Objectives

CDBG activities must qualify under a HUD **national objective** in order to be eligible to receive funding. The City of Sunnyvale is responsible for assuring that projects assisted with its CDBG funds through this Request For Proposals (RFP) meet one of the following national objectives:

1. **Benefit lower-income persons:** A project may be shown to benefit lower-income persons through one of the following methods:
 - **Area Benefit:** Projects that meet the identified needs of lower-income persons residing in an identified residential service area where at least 51% of the residents are lower income.²
 - **Limited Clientele:** Projects that benefit a specific group of people, at least 51% of whom are verified as lower-income clients;
 - **Jobs:** Employment-generating activities that are located in a predominantly lower-income neighborhood and serve lower-income residents, or involve facilities designed for use predominantly by lower-income persons, or involve the employment of persons, the majority of whom are lower-income.

¹ Terminology used to refer to income levels is not consistent between the federal CDBG and HOME programs nor between state and local housing programs. For consistency, this RFP will use the umbrella term “lower-income” to refer to the entire range of income levels eligible for assistance with CDBG and HOME program funds (i.e., those earning at or below 80% of area median income, as determined annually by HUD).

² In Sunnyvale there are very few neighborhoods that qualify for CDBG funding under the “Area Benefit” method, therefore most local CDBG activities must use the “Limited Clientele” method, which requires the applicant agency to screen project clients for lower-income eligibility. **Applicants must consult with the Housing Division before proposing a project that needs to qualify for CDBG through the Area Benefit method.**

II. RFP Objectives

A. Available Funds

The City of Sunnyvale anticipates receiving a CDBG grant from HUD for Program Year 2025. The amount of that grant is currently unknown. Some of the grant is typically allocated to public services and other activities funded outside of this RFP. This RFP seeks to award available CDBG funds, including program income, to eligible projects, as described below, for completion in FY 2025/26. The amount of funding available is not known at this time, however the City estimates approximately \$600,000 in CDBG funds will be available for capital projects. No HOME funds are being made available through this year's RFP. The City's HOME-Tenant Based Rental Assistance (TBRA) RFP for the City's HOME allocation accepts applications every two years and was awarded in the current year. CDBG proposals may request awards of higher amounts to be funded on a contingency basis if funds become available before the final awards are made. Capital project proposals must be at least \$100,000, with applicants providing additional funds to the project from other sources (match).

The award amounts are based on the project's identified funding gap, availability of the requested funding type, project merits, and the number of eligible proposals received. Funds for CDBG capital projects are provided in the form of a loan secured by the real property to be improved. A very limited number of CDBG projects not involving improvements to real property may be funded in the form of a grant, such as activities by community-based development organizations (CBDOs) located in Sunnyvale.

B. Eligible Applicants

For real property improvements (not CBDOs), applicants must be non-profit organizations with current, IRS-recognized non-profit status, including public agencies, and must provide current documentation of such status in applications.

C. Eligible Projects

The following types of CDBG eligible projects may be funded through this RFP. CDBG projects must also meet one of the National Objectives described above. Detailed federal regulations apply to each type of project or activity:

1. Acquisition of real property for an eligible community facility or affordable housing use;
2. Public facilities and improvements (e.g., community centers, neighborhood improvements, shelters);
3. Property clearance/demolition;
4. Housing rehabilitation;
5. Removal of architectural barriers;
6. Community-Based Development Organization (CBDO) activities (job training, placement, employment support) described in CFR §570.204(a)(2).

D. Ineligible Activities

The following activities may NOT be funded with CDBG or HOME funds. This list is not all-inclusive:

1. Political activities;
2. Religious activities;
3. Purchase of equipment, including furnishings, personal property, vehicles, and fire protection equipment.

In addition, projects that would permanently displace (as defined by the Uniform Relocation Act) residents or businesses from their existing housing or place of business **are not eligible for funding through this RFP.**

E. Matching Funds (Leverage)

The City has limited federal funds. **Proposals submitted under this RFP shall include matching funds equal to at least 25% of the total project cost.** Projects providing more than 25% of the project cost as matching funds will receive more points in this scoring category than those that provide only the minimum required matching funds. Matching fund sources may include contributions derived from other available funding sources, program fees, and/or the value of in-kind services (i.e., volunteer and staff services or pro-bono professional services used to implement the capital project).

At least half of the matching funds counted toward a proposal shall consist of enforceable commitments of real dollars (i.e., not in-kind services) which are either currently available to the applicant for project use, and/or evidenced by an irrevocable, written commitment of funds to the project (may be conditioned upon applicant's award of City 2025 CDBG funds) signed by the funding agency or donor. Signed commitments for all matching funds must be provided in application in order to be counted as match for scoring and evaluation purposes.

If a project is awarded City funds, all matching funds will be considered part of the CDBG project budget, and will become equally subject to all federal requirements applicable to the project, such as Davis-Bacon prevailing wages, federal environmental review, and equal opportunity requirements.

F. Description of Sunnyvale Priority Need(s) Addressed by Project

Applicants must clearly describe the following in their applications: why the proposed project is needed in Sunnyvale at this time; how it would benefit the Sunnyvale clients/residents it proposes to serve; which priority need(s) and objectives from the City's Consolidated Plan it is designed to meet; and quantify these benefits in terms of standard units (i.e., housing units improved, eligible Sunnyvale clients served by project/facility, etc.) for HUD reporting purposes. Applications should also clearly explain why their proposal should be funded before others received in response to this RFP, assuming that available CDBG funding is not adequate to fund all proposals received. For housing projects funded through this RFP, the dwelling units will be restricted to households with the income levels the proposal "proposes to serve" as stated above. **The income level "served", for scoring purposes, shall be equal to the income restrictions applicable to the unit upon project completion, not simply the income levels of the current occupants of the unit, if any, which may be lower than the restricted affordability levels.**

G. Compliance with Federal, State, and City Requirements

Applicants must review all federal regulations applicable to CDBG funded projects of the type for which the funding is requested (i.e., housing rehabilitation, construction, etc.). **Submittal of an application in response to this RFP shall be construed as applicant's thorough understanding of, and commitment to comply with: all applicable CDBG requirements, relevant state or federal laws (such as fair housing, prevailing wage, and relocation laws), City funding policies and municipal codes and federal audit requirements.** Compliance also includes submittal of quarterly progress reports, final project reports, timely and accurate expenditure invoices, and timely completion of the project, including occupancy reporting. These requirements are not negotiable. Failure to comply with these requirements, which are described more particularly in project funding agreements, may result in various enforcement actions by City and/or HUD staff, including possible requirements for the applicant to repay the

City of Sunnyvale
Request for Proposals for Capital and Housing Projects for FY 2025/26

CDBG funds to the federal Treasury.

III. Application Submittal and Review Process

The City of Sunnyvale invites qualified non-profit organizations to submit applications for CDBG eligible projects in response to this RFP. Applicants must demonstrate that their proposed projects, if funded, would:

- be completed within approximately one year of funding award date,
- comply with all City, CDBG and/or contracting requirements, and
- meet one or more of the priority needs and objectives listed in the [City of Sunnyvale 2020-2025 HUD Consolidated Plan](#)

Please follow the instructions carefully, check all calculations and data, and ensure that items on the application checklist are attached to the application in the order listed and labeled correctly. **Incomplete applications and/or application forms from previous years will be rejected.** All proposals will become part of City of Sunnyvale's official public records and will be available for public review.

A. Application Submittal

1. The Fiscal Year 2025-2026 Request for Proposal Process includes the elimination of hard-copy applications. Applications will be submitted online through City Data Services at: www.citydataservices.net
2. Each applicant will be issued a username and password to complete the application - and technical questions, about the application process, will be addressed by City Data Services.
3. Late applications will not be accepted.

City of Sunnyvale
456 West Olive Avenue,
Sunnyvale, CA 94086

Application Deadline: 4:30 PM (PST) on Jan. 15, 2025

Contact Matt Hazel, Housing Programs Analyst, for questions (408-730-7457)

A. Application Review Process

Applications received in response to this RFP will be reviewed by: City staff; the Sunnyvale Housing & Human Services Commission; be available to all Sunnyvale residents/stakeholders during a 30-day public comment period; the Sunnyvale City Council; and HUD. The City Council will make the final local decision regarding project funding awards, subject to review and approval by HUD.

1. Staff will review all applications received to verify that:
 - a) The applicant is eligible to submit a proposal through this RFP;
 - b) The application is complete;
 - c) The project is eligible for the requested type of funds (CDBG), as determined by HUD guidelines and regulations; and
 - d) The proposed project meets the City requirements, project types, and objectives set forth in this RFP.
 - e) The project has the ability to be completed with all funds spent by June 30, 2026.

Staff will notify applicants if their application has been determined ineligible or incomplete, and the proposal will be withdrawn from consideration. If it is unclear whether a proposed project and/or applicant is eligible for CDBG funds, staff will seek a determination from the City's HUD representative, which shall be final. Those applications deemed complete and eligible will be reviewed and scored by staff based on information provided in the application. Staff scores are based on the proposal's technical and programmatic merits, and are advisory to the Commission and City Council, which may score or rank projects independently. Applicants are strongly encouraged to consult with staff prior to submitting applications to ensure that their applications will be determined complete and eligible. If staff identifies minor clerical errors/omissions in applications, applicants will be provided an opportunity to correct such errors within 3 business days from the date staff informs applicant of the error. Applicants retain full responsibility for any errors/omissions not identified through staff review which may later impact application scoring and funding recommendations.

2. The Housing and Human Services Commission will review the eligible applications received, as well as staff scores and recommended funding amounts. The Commission will hold a public hearing on the proposed projects, and will evaluate the merits of the proposals and community need for each project, considering the priority needs identified in the Consolidated Plan, public comments received, staff recommendations, and related information. The Commission will make a funding recommendation on each proposal. The Commission's recommended funding awards will be presented to the City Council for final approval as part of the draft 2025-26 Action Plan. City Council will hold a public hearing on the Action Plan, including proposed project awards, before adopting the Action Plan in May 2025. Project funding awards will also be included in the City's 2025 Projects Budget, to be adopted in June.
3. Public input on the Action Plan is obtained through the public hearing process and acceptance of written comments during the comment period. Notices are published in accordance with the City's Citizen Participation Plan. The City Council approves the Annual Action Plan by resolution following the citizen comment period. Each applicant will be notified in writing regarding their funding application. Final approval of the Action Plan is made by HUD, usually in July.
4. Project Scoring: Proposals will be evaluated by staff using the following criteria, with points awarded up to the following maximum points per criteria (on the following page):

Scoring Category	Maximum Points
<p>1. Organizational Capacity and Relevant Experience</p> <p>Organization’s staff, board, and volunteers, if any, are well qualified to complete and operate project, considering:</p> <ul style="list-style-type: none"> - Years of experience. One (1) point will be awarded for every three (3) years completing similar projects. Up to five (5) points for fifteen (15) years. - Up to five (5) extra points can be awarded for each project funded with CDBG/HOME funds. - Professional certifications. Up to five (5) points will be awarded for appropriate credentials/certifications related to affordable housing development, project management, or similar subjects. - Two (2) points awarded for over 75% of board positions having a tenure of three (3) years or more. One (1) point for over 50%. - Three (3) points awarded for structured organizational chart and other proof of operating efficiency/effectiveness. 	20
<p>2. Project Need</p> <ul style="list-style-type: none"> - Project clearly meets one or more priority needs identified in Consolidated Plan. Proposed project would provide significant public benefits, such as increased housing affordability or accessibility, improved living environment, increased fair housing and equity opportunities, or increased employment opportunities, compared to existing conditions. The need, including potential populations served, is clearly described in the proposal through relevant statistical data. - Twenty (20) points awarded for those programs that address a priority or unmet need identified in the Consolidated Plan and RFP. No points are awarded to programs that do not address a priority or unmet need. NOTE: applications for programs that do not meet a priority or unmet need will not be considered. - An additional five (5) extra points can be awarded for those programs that meet more than one priority or unmet need. 	25
<p>3. Project Design and Readiness</p> <ul style="list-style-type: none"> - Project design (physical and operational) is cost-effective, feasible, and effective in meeting the stated needs and objectives. <ul style="list-style-type: none"> - Three (3) point award for apparent cost-effective program design, subject to reduction if noticeable decline in benefits to targeted priority need. - Three (3) points awarded for apparent feasibility of program delivery. - Three (3) points awarded for each prior completed project of similar design and delivery. Up to nine (9) points awarded for up to three prior completed projects. - Applicant is ready and able to begin project no later than December 30, 2025. Five (5) points awarded for program adequately apparent to start on time. The City may provide fewer than 5 points for uncertainty. - All lienholders/partners/regulatory/funding agencies with a security 	25

<p>interest in the project site or other control over the project have reviewed and approved this proposal, and are willing to provide any required written approvals within 90 days of funding award. Up to five (5) points awarded for secured interest of partner agencies.</p>	
<p>4. Budget and Financial Management</p> <ul style="list-style-type: none"> - Budget scores based on realistic cost estimates and budget for various project cost items based on previous years' budgets. Up to five (5) points awarded based on previous similar project data, meeting within reason project budgets and timelines. - Financial management points based on clean financial audits for prior years. Two (2) points awarded for each consecutive prior year financial audit with an Unqualified or Qualified audit opinion. Up to four (4) points awarded for up to two prior year audits. - A strong record of financial compliance with current or prior HUD/City projects, and strong and stable financial position of the agency in general. Two (2) points awarded for each consecutive financial statement or detailed support showing stable financial position. Up to six (6) points awarded for up to three prior year financial statements. 	15
<p>5. Percentage of Matching Funds</p> <ul style="list-style-type: none"> - Projects must include matching funds equal to at least 25%. Points awarded based on a sliding scale, beginning with 1 point for each increase of 5% (above 25%), up to 15 points. Ex. A 30% match would be awarded 1 point, 35% = 2 points 40% = 3 points, etc. Matches of more than 100% will not receive additional points. 	15
Total Points Available	100

The Commission may elect to score projects independently of staff and then make funding decisions, or simply make funding recommendations with consideration of staff scores, without issuing independent scores to the projects. All scores and recommendations will be forwarded to

City of Sunnyvale
Request for Proposals for Capital and Housing Projects for FY 2025/26

City Council for their consideration and final approval.

Note: There is no direct correlation between a proposal's score and the amount of funding recommended for that proposal. Scores are calculated simply for the purpose of evaluating a project's merit for any City funding, and comparing the strengths and weaknesses of various proposals received. Projects with equal scores may be awarded different funding amounts, or a project with a lower score may receive a larger award than a project with a higher score. Funding recommendations and/or awards are based on a) amount requested by applicant; b) the City's determination of the project's need and/or eligibility for City funds; c) the minimum amount necessary to make the project feasible; and d) the amount of City funds available.

The City Council will make the final local decision regarding use of its available CDBG and HOME funds in May 2025. Approved 2025 project funding awards will be included in the City's Action Plan to be submitted to HUD for final approval. Once HUD approval is received (generally in July), staff will prepare project loan or grant agreements for review and execution by the applicant agency. If the approved funding level is different than the amount requested in the original application, a revised project budget must be submitted before agreements can be prepared. If for any reason a project applicant is unable to execute project agreements by Dec. 30, 2025, and begin to expend project funds shortly thereafter, the project award will be cancelled and those funds will be reallocated by the City, in order to maintain compliance with CDBG and HOME expenditure deadlines. Applicants with disencumbered projects may apply through a subsequent RFP but are not guaranteed another funding award, and "organizational capacity" points may be deducted for not meeting deadlines under a prior award.

NOTICE and DISCLAIMER:

- **Issuance of this RFP does not commit the City to award funds to any applicant for any project or activity.**
- **The City will not reimburse applicants for any costs incurred in the preparation of applications or other responses to this RFP.**
- **The City reserves the right to accept or reject any or all applications received in response to this RFP and to amend, modify, or cancel this RFP in part or in its entirety at any time and in its sole discretion.**

SCHEDULE FOR FY 2024/25 CDBG FUNDING PROCESS

RFP Issuance	December 11, 2024
Deadline to Submit Questions	December 17, 2024
Deadline to Submit Applications (4:30 p.m.)	January 15, 2025
Presentations to Housing & Human Services Commission [Applicant participation mandatory]	February 26, 2025
Housing & Human Services Commission Meeting: Public Hearing; Commission recommendations on projects funding.	March 26, 2025
Draft 2024-25 Action Plan Ready. 30-Day Public Comment Period Opens.	March 31, 2025
Housing & Human Services Commission Meeting: Public Hearing on FY 2024-25 Action Plan	April 23, 2025
City Council Approval of Action Plan	May 6, 2025 (tentative)
Applicants Notified Regarding Awards	May 2025
HUD Review and Approval (estimated date)	June 2025
Contract Term begins	July 1, 2025

NOTE: This schedule is subject to change. Call 408-730-7457 for updates.



City of Sunnyvale

Agenda Item

24-1154

Agenda Date: 11/19/2024

SUBJECT

Annual Review of City Code of Ethics and Conduct for Elected and Appointed Officials and Opportunity to Recommend Changes to the City Council

BACKGROUND

This report represents the Housing and Human Services Commission an annual opportunity to review and provide recommendations on the City's Code of Ethics and Conduct for Elected and Appointed Officials (Code) to the City Council.

The Code (Attachment 1) contains a section on ethical standards and a section on conduct which describes the way officials should treat one another, City staff, constituents and others with whom they may come in contact with while representing the City.

Staff makes no recommendation.

EXISTING POLICY

2024 Code of Ethics and Conduct for Elected and Appointed Officials.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 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

Council appointed boards and commissions develop annual work plans that identify policy issues that a board/commission will be acting on during the year. Included in the work plans is an annual review of the Code.

During this review, boards and commissions have an opportunity to recommend revisions to the Code. These recommendations are submitted to the City Council for their consideration along with excerpts of the board or commission meeting minutes.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the NOVA Workforce Services reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on

the City's website.

ALTERNATIVES

1. Receive the Code of Ethics and Conduct for Elected and Appointed Officials as presented in Attachment 1 to the report.
2. Recommend the City Council to Approve the Code of Ethics and Conduct for Elected and Appointed Officials with modifications.

RECOMMENDATION

Staff makes no recommendation. This report is being presented to the Housing and Human Services Commission for review and to allow the Housing and Human Services Commission with an opportunity to provide the City Council with a recommendation if desired.

ATTACHMENTS

1. 2024 Code of Ethics and Conduct for Elected and Appointed Officials



City of Sunnyvale

2024 Code of Ethics and Conduct for Elected and Appointed Officials

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

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For ease of reference in the Code of Ethics and Conduct, the term “Member” refers to any member of the Sunnyvale City Council or the City’s boards and commissions established by the City Charter, City Ordinance or Council policy.

Ethics

Policy Purpose

The Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Sunnyvale are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Sunnyvale's City government.. In keeping with the City of Sunnyvale's Commitment to Excellence and the City Council's commitment to the ethical values while representing its residents and community, the effective functioning of democratic government requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally permitted to be conducted in a closed session under the Ralph M. Brown Act, in an atmosphere of respect and civility.
- Public officials, both elected and appointed, act in a transparent manner to enable the public to obtain information about public official activities and the decision-making process.

To this end, the Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of all the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the [Sunnyvale City Charter](#); laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. **Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of Council, boards and commissions, staff or the public.

Ethics

4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.
5. **Conduct of Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** Members shall verbally disclose any contact or receipt of substantive information they have received outside of the public decision-making process that is relevant to a matter under consideration by the Council or boards and commissions prior to considering that matter so that all parties have the opportunity to respond to that information.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. **Gifts and Favors.** Members shall not take any special advantage of their public office to access services or opportunities for personal gain that are not available to the general public. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise or appear to compromise their independence of judgment or action.
10. **Confidential Information.** Members shall respect the confidentiality of information concerning certain negotiations (e.g., labor and real property), personnel matters, claims and litigation in order to avoid prejudicing the legal or negotiating position of the City or compromise the private interest of employees. They shall neither disclose confidential information without proper City Council authorization nor use such information to advance their personal/private, financial, or other interests.
11. **Use of Public Resources.** Members shall not use public resources not available to the general public, such as City staff time, vehicles, equipment, supplies, land or facilities, for private gain or political or personal purposes.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of

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Ethics

boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the subject matter jurisdiction of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when authorized to do so. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. Councilmembers and board and commission members have the right to endorse candidates for City Council or Mayor or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings or other governmental meetings where the member is serving in their capacity as an appointed official.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the [Sunnyvale City Charter Section 500 \(Form of Government\)](#). In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff, nor impair the ability of staff to implement Council policy decisions.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or actions of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for residents and businesses dealing with the City. Members shall direct their requests of staff pertaining to their elected or appointed role to the appropriate staff liaison or in the case of Councilmembers, to the City Manager.

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Conduct

B. CONDUCT

This section is designed to describe the manner in which Members should treat one another, City staff, constituents, and others they come into contact with when representing the City of Sunnyvale.

The constant and consistent theme through all of the conduct guidelines is "respect." Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Members are called upon to exhibit appropriate and respectful behavior at all times.

1. Elected and Appointed Officials' Conduct with One Another

Elected and appointed officials have a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to support the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1(a). In Public Meetings

Use formal titles

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Councilmember, Chair, Vice Chair, Board Member or Commissioner followed by the individual's last name.

Practice civility and decorum in discussions and debate

Criticism is an essential component of democracy. This does not however, allow public officials to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep members on track during public meetings. Members should honor efforts by the chair to focus discussions on current agenda items. If there is disagreement about the agenda or the chair's actions, members should follow parliamentary procedure to voice their objections politely.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should note the actual words used and call for a "point of personal privilege" that challenges the other member to justify or retract their language. The chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

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Representing the Body

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or their board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception:

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note posted to Twitter? How would you feel if this voicemail message were uploaded to YouTube? What would happen if this e-mail gets forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

Public officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Cellular phones and other technologies allow for recording of these events with the potential for recorded conversations and actions being shared via social media.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

2. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Treat city staff with respect. Poor behavior towards staff is not acceptable.

Do not disrupt City staff from their jobs

Public officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions. Do not attend City staff meetings unless requested by staff – even

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if the official does not say anything, his or her presence could intimidate staff and hampers their ability to do their job objectively.

Never publicly criticize an individual employee

Public officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager privately. Comments about staff in the City Attorney's Office should be made directly to the City Attorney. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

Do not get involved in administrative functions

Public officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale [City Charter, Section 807](#), also contains information about the prohibition of Council interference in administrative functions.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized under the City's policy governing volunteers. ([Council Policy 7.2.19, Boards and Commissions](#))

Do not solicit political support from staff

Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and outside of the employee's work hours.

3. Elected and Appointed Officials' Conduct with the Public

3(a). In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with respect and professionalism. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should *not* be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed additional time. If many speakers are anticipated, the chair may shorten the time limit and/or

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ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits disruptive behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

The purpose of the “oral communications” section of the meeting is to provide an opportunity for members of the public who attend the meeting in person to address the members of the body on items within the body’s subject matter jurisdiction that are not on the agenda. Remote comments (via call in or internet platform) must be allowed during oral communications if a member of the body is participating in the meeting remotely under provisions of the Brown Act, Government Code Section 54953(f). Otherwise, the chair may, but is not required to, take remote public comments during oral communications and may determine it would be impractical to include remote public comment during oral communications for the purpose of timeliness of the meeting or conducting an orderly meeting.

Give the appearance of active listening

It is disconcerting to speakers to have members not look at them when they are speaking. Avoid facial expressions that could be interpreted as smirking, disbelief, anger, disrespect, or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of public officials. To express an opinion prior to the close of a public hearing casts doubt on the body’s fairness. This is particularly important when officials are serving in a quasi-judicial capacity.

Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain order and decorum. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

No personal attacks of any kind, under any circumstance

Members should also be aware of their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Mayor or Chair, subject to the appeal of the full City Council or board/commission makes final rulings on parliamentary procedure.

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3(b). In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they talk with community members. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise that City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

Remember that despite its impressive population figures, Sunnyvale is a small town at heart

Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by members, 24 hours a day, seven days a week. This is a serious and continuous responsibility.

4. Elected and Appointed Officials' Conduct Regarding Ex-parte Communications

Members have the responsibility to hear all viewpoints at a public hearing. Members must always keep an open mind, and not rush to pre-judge any matter, until all concerned parties (including but not limited to applicants, members of the public and staff) are heard during the public hearing. Members must not come to a conclusion on a matter until the public hearing is closed.

One key responsibility involves “ex parte” communications. Ex parte is a Latin phrase that literally means “from one party.” Generally, it is defined as any oral or written communication with a decisionmaker about the subject matter of an upcoming quasi-judicial proceeding, which takes place outside of a noticed hearing that is open to all parties to the matter. An ex parte communication can include sensory information, such as things that are seen or heard during a site visit.

Hearings are “quasi-judicial” when they require the Members to apply general rules and standards to specific factual situations and to reach conclusions that affect the rights or interests of an individual person or entity. Common examples of quasi-judicial matters include decisions to approve or deny specific development projects, permit revocation proceedings, and employee disciplinary matters.

For quasi-judicial agenda matters, a Member must report (disclose) any information that they received outside of the public hearing or staff report, if the information significantly influenced their views of the matter. The disclosure should state the nature of the communication (e.g., whether it was oral, written, or sensory), and should explain the substance of the communication so that other Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Member and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed a sufficient basis for a request to continue the hearing.

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An ex parte communication is not grounds to disqualify a Member from participation in a quasi-judicial hearing unless the Member feels that they cannot reach an impartial decision.

5. Council Conduct When Serving on Intergovernmental Assignments

Be clear about representing the City or personal interests

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

Correspondence also should be equally clear about representation

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence shall be given to the Council Executive Assistant to be filed in the Council Office as part of the public record.

City letterhead shall not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

6. Council Conduct with Boards and Commissions

The City has established several boards and commissions as a means of gathering more community input. Residents who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. Councilmembers are encouraged to attend board or commissions meetings in support of their role as council liaison to a board or commission. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process—especially if it is on behalf of an individual, business or developer. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit participation to questions of clarification

It is inappropriate for a Councilmember to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to clarify a position taken by the board or commission or City Council.

Remember that boards and commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as

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Conduct

expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the City Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a close working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all individuals serving on boards and commissions.

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for elective office, but not in an official forum in their capacity as a Councilmember.

7. Elected and Appointed Officials' Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media follow journalistic ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should direct the requester to the Mayor. If the Councilmember chooses to engage with the requester, they should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

Model of Excellence

City Councilmembers, board and commission members, and Council appointees who do not sign the Model of Excellence (Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

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Ethics Training for Public Officials

City Councilmembers, board and commission members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers/meeting room. When taking remote public comments, a single warning may be given at the beginning of the remote comment period stating that speakers who disrupt the meeting by speaking on matters outside of the Council's subject matter jurisdiction or agenda item (as applicable) may be ruled out of order and barred from further testimony without a second warning.

Inappropriate Staff Behavior

Councilmembers should refer to the City Manager for any City staff or to the City Attorney for any City Attorney Office's staff who do not follow proper conduct in their dealings with members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Members Behavior and Conduct

The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members are responsible for adhering to these standards. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority and/or committee assignments (both internal and inter-governmental) and/or have official travel restricted. Serious infractions could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

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Glossary of Terms / Implementation

D. GLOSSARY OF TERMS

attitude	The manner in which one shows one’s dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

E. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

(Adopted: RTC 08-113 (4/8/08), Update: RTC 09-036 (2/3/09); Updated: RTC 09-047 (2/24/09); Approved with no changes: RTC 10-078 (3/23/10); RTC 11-058 (3/29/11); RTC 12-067 (3/20/2012); Updated: RTC 13-060 (3/19/13); Approved with no changes: RTC 14-0211 (3/18/14); RTC 15-0050 (3/24/15); RTC 16-0360 (4/5/16); RTC 17-0161 (3/28/17); RTC 18-0036 (1/9/18); RTC 19-0185 (2/26/2019); RTC 20-0021 (3/17/20); RTC 21-0383 (3/16/21); RTC 21-0985 (10/26/21); RTC 22-0303(3/1/2022); RTC 23-0238 (2/14/2023); RTC 24-0201 (1/9/2024)); RTC 24-0284 (2/6/2024), RTC 24-0313 (2/27/2024)

Lead Department: Office of the City Manager

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APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Sunnyvale City Council or of a Sunnyvale board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the City and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Sunnyvale;
- Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Sunnyvale Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Name

Office/Meeting Body

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