

		Sunnyvale Charter Review Committee - Subcommittee #3			Notes to Subcommittees: Be brief and focussed. Be mindful of cost of and timing of elections for Charter amendments.			4/23/25 report				
Council (A), Staff (B), or CRC (C)	Item #	Topic	Relevant Charter Article(s) & Section(s)	Description	Staff Comment for 4/3/25	Summary of the subcommittee's initial work.	Impact (problem being solved, nature and degree of public benefit, consequence of not changing)	Major alternatives to explore (bullets)	Key issues, questions, clarifications needed from Council or staff	Priority (High, Med., or Low)	Rationale for selected Priority	Where is this topic already covered in city muni code, policies, or website?
A	7	Appointive Boards and Commissions (eligibility)	Article X	Study removing citizenship/voter eligibility requirements for Charter board and commission members.	<p>This issue was on the November 2024 ballot in a combined question with gender-neutral language and council meeting scheduling. The measure failed. CRC expressed interest in studying several issues related to boards and commissions, including this one. Ballot information is available in the resources list.</p> <p>Staff responses 4/22/25 to Subcommittee #3 questions : An applicant is no longer is required to be a registered voter for the 5 non-chartered commissions. This recommendation was presented by the Council Subcommittee on Boards and Commissions and approved by the City Council at their October 26, 2021 meeting https://youtu.be/i8WLd9YZl7I?list=P1.GJ-ThSMJvqO3H_0h0AYIE9ZlsthSFeQu&t=12006 .</p> <p>Staff noted that the number of applicants for each board and commission fluctuates with each recruitment period. The Heritage Preservation Commission and Personnel Board tend to have fewer applicants. It is rare for there to be fewer applicants than vacancies. City Council meets four times a year to fill vacancies on Boards and Commissions. February, August and November special meetings are held to fill vacancies of unexpired terms. The May meeting is the annual recruitment that serves to fill expired and unexpired terms. Staff does not have data related to how long a seat remains vacant, but the timeframe is typically less than four months due to the quarterly recruitments conducted to fill vacancies.</p>	<p>Review of state policy and other city charters and their requirements. State of California removed citizenship requirement for appointed positions in 2020.</p> <p>Hayward removed elector requirement for boards and commissions. Berkeley and San Jose also removed citizenship requirement according to info included in Measure F.</p> <p>The 5 non-chartered boards/commissions (Sustainability, BPAC, HHS, HRC, Arts) now allow non-voters/non-citizens) through a Council Policy change in 2021.</p> <p>The non-chartered (5) commissions are defined in the Council Policy Manual. Council may change the eligibility requirements for service for those non-chartered boards and commissions.</p>	<p>Problems being solved:</p> <ul style="list-style-type: none">- Difficulty in filling roles on boards and commissions.- Improve recommendations to Council by having a wider applicant pool and not excluding subject matter experts.Who benefits? The City could benefit from more diverse voices in recommendations made to Council by Boards and Commissions. One could argue that non-electors appointed to a volunteer role would 'benefit' and exclude electors from serving, but it is a volunteer role and Council has ultimate authority to select and remove board and commission members. All the applications ask: "Are you a registered voter?" so Councilmembers can weigh that in their decision making. <p>Consequence of not changing: No material impact to the city to maintain status quo except in filling vacant positions with a wider applicant pool which could include subject matter experts who are not US citizens or not registered to vote.</p>	<ul style="list-style-type: none">- Consider removal of all 5 chartered boards and commissions from the charter, and have their structure and eligibility requirements be determined by Council in the Policy Manual. May be difficult to justify to the public, but it gives Council more leeway to make changes going forward. Link to City of Glendale - all boards and commissions are in statutes/ordinances https://ecode360.com/43357881- Make no change regarding Chartered Boards and Commissions eligibility.- Do not recommend repeating Measure F as a standalone item. This may not be likely to succeed, and appears to be unpopular according to public comments made at CRC).	For Council - What benefits have you seen since 2021 when the registered voter eligibility requirement was removed for the 5 non-chartered boards and commissions? Does this justify the removal of all 5 chartered boards and commissions from the charter or trying to repeat 'measure F' in a future ballot measure?	Lowest	This was a part of Measure F that failed. Members of the public have commented at CRC meetings that this may have been the most concerning of the three items in Measure F (though there is not way to tell for sure the relative importance of each). There are 5 chartered boards and commissions that require a qualified electors and 5 non-chartered boards and commissions that do not. The city could monitor vacancy rates, diversity of Commissions, and quality of board and commission recommendations between chartered and non-chartered Boards/Commissions. There does not seem to be an urgent need for changing, though the city is likely to continue to miss out on excellent applicants for the chartered boards and commissions because of the elector requirement.	See cell N9 https://www.sunnyvale.ca.gov/home/showpublisheddocument/5558/638697635235700000
B	1	Contracts on Public Works	1309	Study amending the Charter to allow other project delivery methods besides design-bid-build (lowest responsible bidder after notice of publications for bids).	<p>Federal and State laws have been amended to allow alternative project delivery methods for large complex capital improvement projects since section 1309 was adopted. Several CRC members expressed strong interest in this issue. Staff recommended studying this issue because advantages of alternative project deliveries could include better partnerships between design and construction, potentially lower construction costs, reduced risks, fewer change orders. Public Works and the City Manager identified this as a high priority item with many potential operational benefits and efficiencies. The existing requirements for bidding Public Works construction projects are detailed in SMC Chapter 2.09 (Public Works Contracting).</p>	<p>Cities that have this in their charter (Pasadena, San Jose >\$1M, Los Angeles) (Need to verify) 2006 AB 1329 authorized California cities to use Design-Build.</p> <p>All School Districts in CA must use Bid-Design-Build for all projects > \$1M</p> <p>SAN JOSE CHARTER: SECTION 1217. Public Works Procurement Requirements. a) (4) "Design-Build Contract" means a City contract in which both the design and construction of the Public Works Project are procured from a single entity. League of California Cities: https://www.cacities.org/getattachment/7a635abdd8236476691b83111de18e21b/Linda-Beck-papers.aspx .</p> <p>Glendale Ordinance https://ecode360.com/43341321 .</p> <p>Santa Cruz measure W</p>	<p>Problem being solved is cost savings, time to completion, and complexity/bureaucracy of the bid-design-bid-build process. Some of design-build benefits versus other project delivery methods:</p> <p>Higher quality project outcomes</p> <p>Collaboration that drives innovation</p> <p>Faster, more cost-effective project delivery</p> <p>Fewer changes, fewer claims and less litigation</p> <p>Allocation of risk to those who can best manage it</p> <p>Earlier knowledge of firm costs</p> <p>Public benefit in speed of projects and reduced costs for major city projects.</p>	<p>Check what Pacific Palisades is doing for post-fire rebuild?</p> <p>Get examples of School districts and how Bid-Design-Build works for them. Did they use to do it the other way and what changed (cost and timelines) afterwards?</p>	For further clarification: What are the advantages/disadvantages in the change? (make the case for the public why this is good). How much time can be saved on a project like a City Hall or a Library? Are there other models/variations that should be considered?	High	Cost savings, efficiency <p>Consequence of not changing is high and negative. The change would bring the City up to date with federal and state processes including those followed by school districts and other cities.</p>	Title: SMC Chapter 2.09 (Public Works Contracting) : https://ecode360.com/42710281#42710281 .
B	2	City Manager Powers and Duties	802 (6)?	Study adding a provision to City Manager's powers and duties to permit settlement of claims against the city in an amount greater than \$50,000.	<p>The City Manager currently has the authority to settle claims up to \$50,000. Settlements higher than \$50,000 must be approved by the City Council. Government Code section 935.4 requires settlement authority greater than \$50,000 to be in a charter: "...only a charter provision may authorize that employee to allow, compromise, or settle a claim against the local public entity if the amount to be paid pursuant to the allowance, compromise or settlement exceeds fifty thousand dollars (\$50,000)." Settlement authority in some amount greater than \$50,000 would provide administrative efficiencies. SMC section 2.04.030 (Claims Against City) currently reflects the \$50,000 limit, which cannot be changed unless a charter provision authorizing a higher amount is approved.</p>	<p>This seems like a common-sense improvement. A charter amendment could be avoided by waiting for the State to raise the limit though this would continue inefficiencies until that time. It has at least been since 1989 that the \$50,000 has been in effect.</p> <p>"§ 1314. Claims Against City.</p> <p>Except as otherwise required by the provisions of State law applicable to chartered cities, claims and demands against the City shall be presented and audited as prescribed by ordinance."</p> <p>PASADENA CITY CHARTER Section 1014. AUTHORITY TO COMMENCE AND SETTLE ACTIONS. The City Council shall prescribe by ordinance, exclusive of court costs, the monetary limits for an employee or employees to: (i) commence any action on behalf of the City, or (ii) settle any claim or action against the City, or any officer, employee, board or department thereof in his or her or its official capacity. No claim or action for more than the amount set forth in the ordinance shall be commenced or settled without the prior approval of the City Council.</p> <p>Cities that have adopted include Glendale, Santa Cruz, West Sacramento, Davis, San Pablo and more.</p>	<p>Problem being solved is administrative inefficiencies and outdated dollar limits. Public benefit is minor cost savings and freeing up some Council and staff time. Consequence of not changing is continued inefficiencies.</p>	<ul style="list-style-type: none">- Pasadena's charter language referencing an ordinance that can be changed more easily.Los Angeles has a claims board that manages \$50-100K and then Council handles anything > \$100k. Other Cities that reference a code/statute are: Covina, Tustin, Livermore, Oakland	How many claims/settlements are there per year? What is the dollar range (and mean) of the claims? Can the efficiencies for staff and Council be quantified (faster claims resolution, staff and council time savings, actual \$ savings)? How often does Council convene in closed session to review the claims over \$50k? What amount affects the city budget? Could it be 'indexed' to avoid having to change it again in future, or could the amount be specified in an ordinance but generally listed in the charter (e.g. Pasadena)?	Low to Medium	Pending staff response on the potential value of this change.	Title: SMC section 2.04.030 (Claims Against City) : https://ecode360.com/42710084#42710084
C	1	New Issues	Various	CRC discussed studying potential new provisions including (a) a diversity statement, (b) native land acknowledgment, and (c) emergency provisions.	<p>The first two issues align more with policy choices that are typically addressed in City Council Policies. Emergency operations are governed by state and federal requirements including the California Emergency Services Act. City policies and practices generally must align with such requirements for the City to remain eligible for reimbursement and other types of assistance, and the City maintains ample existing planning and guidance for emergency operations, including but not limited to the Emergency Operations Plan, and SMC Chapter 2.16 (Emergency Organization and Functions). The City may need to be nimble in addressing emergencies and locating such information in the Charter could provide the City with less flexibility.</p>	<p>a) In 2021 Council adopted a new strategic priority on Equity Access and Inclusion, hired a manager and created the Human Relations Commission. The City's Values and Services Statement is signed 1/14/25 and is linked on the city's Equity Access and Inclusion webpage. The document is here: https://www.sunnyvale.ca.gov/home/showpublisheddocument/2312/638731529196400000</p> <p>b) The 2023 Work Plan for the Human Relations Commission included an unscheduled item to: "Develop relations with the Muwékma-Ohlonne Tribe</p> <ul style="list-style-type: none">o Work with Tribe on a Land Acknowledgement to be used during City eventso Educational component of Land Acknowledgment and the Land Back Movemento Organize event at Muwékma Park" <p>It is not clear whether this has been studied or worked on by the commission. No formal "Land Acknowledgement" was found on the City's website.</p> <p>c) Emergency provisions as noted by staff are likely best kept out of the Charter. Research ongoing to identify all documents relating to emergency provisions and procedures.</p>	<p>Problem being solved is to acknowledge past harms to indigenous people, include a statement of the value of diversity to the city, and delineate emergency powers.</p>	Adopt through Council policies and/or statements on the website, etc instead of through Charter Amendment.		Low	These items can be addressed outside of the charter. Initial research shows some gaps remain (an official land acknowledgement for example), that could be rectified relatively easily.	General Resources. Title: City Council Policies https://www.sunnyvale.ca.gov/your-government/codes-and-policies/council-policy-manual Title: Emergency Operations Plan https://www.sunnyvale.ca.gov/home/showpublisheddocument/4755/638387571009044157 Title: SMC Chapter 2.16 (Emergency Organization and Functions) https://ecode360.com/42710421#42710421
C	4	Appointive Boards and Commissions	Article X	Study potential changes to Charter boards and commission structure, including: (a) What commissions should/should not be in the Charter (currently 5 of 10 are listed in the Charter) (b) Add alternate or advisory members? (c) Revise term limits for board and commission members? (d) Change the number of members on each Charter board/commission (e) Address process for sitting board/ commission members to apply for another board/commission when they are currently on one or term is expiring.	<p>City Council Policy 7.2.19 (Boards and Commissions) contains existing requirements for all boards and commissions and descriptions of scope and authority for non-Charter boards and commissions.</p> <p>From staff 4/22/25 in answer to subcommittee #3 questions: How is Sunnyvale residency status verified on Board and Commission applications? The Board and Commission application includes the following questions: – "Are you a Sunnyvale Resident?" – "How long have you lived in Sunnyvale?"</p> <p>Then there is a signature and a statement saying that all information on the application is true and correct under penalty of perjury.</p>	<p>Discussed whether there should be a distinction between advisory vs decision making bodies. Considered whether decision making bodies should be in the charter whereas advisory bodies be outside the charter. Currently there is a mix.</p> <p>Discussion about keeping the same 5 chartered boards and commissions as they are now.</p> <p>Researched questions about how application eligibility (Sunnyvale residency) is determined.</p>	<p>There does not appear to be a compelling 'problem to solve', or a consequence of not making changes. Annual review of Board and Commission effectiveness /Council Subcommittees on this topic have not made any charter change suggestions in these areas.</p>	<ul style="list-style-type: none">- Drop / Recommend no changes. Do not recommend adding any of the remaining 5 non-chartered Commissions to the Charter as it complicates Council's ability to make changes to them when warranted.- Remove all boards and commissions from the charter as the city of Glendale has.		Drop with recommendations for other actions	- Suggest to Council that they utilize the 5 non-chartered commissions first to consider or trial: advisory members, youth members, alternate members and changes to term limits at their discretion. If significant benefits are demonstrated then a Charter amendment could be considered for Chartered boards and commissions in the future.	Title: Council Policy 7.2.19 (Boards and Commissions) https://www.sunnyvale.ca.gov/home/showpublisheddocument/782/638702218777270000 Title: Sunnyvale Board and Commission Websites https://www.sunnyvale.ca.gov/your-government/governance/boards-and-commissions