



# City of Sunnyvale

## Notice and Agenda

### Council Subcommittee on Boards and Commissions

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Wednesday, May 5, 2021

2:30 PM

Telepresence Meeting: City Web Stream

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#### Special Meeting - 2:30 PM

**Meeting Online Link:** <https://sunnyvale-ca-gov.zoom.us/j/97267381426>

*Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Council Subcommittee on Boards and Commissions will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Order N-29-20.*

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to [council@sunnyvale.ca.gov](mailto:council@sunnyvale.ca.gov) or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *Teleconference participation: You may provide audio public comment by connecting to the teleconference 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/97267381426>

*Meeting call-in telephone number:* 833-548-0276 | *Meeting ID:* 972 6738 1426

*Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. 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. The Office of the City Clerk may be reached at (408) 730-7483 or [cityclerk@sunnyvale.ca.gov](mailto:cityclerk@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

## **CALL TO ORDER**

*Call to Order via teleconference.*

## **ROLL CALL**

## **PRESENTATIONS**

- A     [21-0363](#)     Update Regarding Operational Changes Initiated by Staff  
Following the February 11, 2021 Council Subcommittee on  
Boards and Commissions Meeting

## **PUBLIC COMMENT**

*This category provides an opportunity for members of the public to address the Subcommittee 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 Subcommittee to take action on an item not listed on the agenda. If you wish to address the Subcommittee, 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     [21-0547](#)     Approve the Council Subcommittee on Boards and  
Commissions Meeting Minutes of February 11, 2021

**Recommendation:** Approve the Council Subcommittee on Boards and  
Commissions Meeting Minutes of February 11, 2021 as  
submitted.

## **GENERAL BUSINESS**

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

- 2     [21-0548](#)     Survey Results of Board and Commission Members Under 18

Years Old

**Recommendation:** Staff makes no recommendation. This item is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

- 3      [21-0549](#)      Discussion and Possible Action Regarding the Code of Ethics and Conduct for Elected and Appointed Officials

**Recommendation:** Staff makes no recommendation. This item is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

## **ADJOURNMENT**

*Notice to the Public:*

*The agenda reports to council (RTCs) may be viewed on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) in the Office of the City Clerk located at 603 All America Way. Any agenda related writings or documents distributed to members of the Subcommittee regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the afternoon of the Subcommittee Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 to access City Hall to view these materials and for specific questions regarding the agenda.*

### **Planning to provide materials to the Subcommittee?**

*If you wish to provide the subcommittee with copies of your presentation materials, please provide 12 copies of the materials to the Office of the City Clerk. The City Clerk will distribute your items to the subcommittee following the meeting.*



# City of Sunnyvale

## Agenda Item

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**21-0363**

**Agenda Date:** 5/5/2021

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Update Regarding Operational Changes Initiated by Staff Following the February 11, 2021 Council Subcommittee on Boards and Commissions Meeting



Sunnyvale

# Update Regarding Board and Commission Operational Changes

David Carnahan, City Clerk  
May 2021



# Agenda

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- ▶ **New Online Meeting Link Accessibility**
- ▶ **Study Issues Webpage Update**
- ▶ **Social Media**
- ▶ **Public Meeting Calendar with Subscription**
- ▶ **Chair and Vice Chair Training**
- ▶ **Staff Liaison Training / Additional Support**

# New Online Meeting Link Accessibility

## Operational Change

- Added to Legislative Public Meeting page

Name	Meeting Date	Meeting Time	Meeting Location
City Council	2/1/2022	7:00 PM	Telepresence Meeting: City Web Stream   AT&T Channel 99   Comcast Channel 15 <i>Regular Meeting - 7 PM Meeting online link: <a href="https://sunnyvale-ca-gov.zoom.us/j/96111580540">https://sunnyvale-ca-gov.zoom.us/j/96111580540</a></i>

- Added to Meeting Details pages

City Home

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City Council

Members

Pre-2014 Meetings

TCMA

Please note: this meeting's minutes have not been finalized yet. Actions taken on legislation and their results are not available

Details


Meeting Name: City Council

Agenda status: Final

Meeting date/time: 2/1/2022 7:00 PM

Minutes status: Draft

Meeting location: Telepresence Meeting: City Web Stream | AT&T Channel 99 | Comcast Channel 15  
Regular Meeting - 7 PM Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96111580540>

Published agenda:  [Agenda Delete](#)

Published minutes: Not available

- Added near top of agendas

Tuesday, February 1, 2022	7:00 PM	Telepresence Meeting: City Web Stream   AT&T Channel 99   Comcast Channel 15
Regular Meeting - 7 PM		
Meeting online link: <a href="https://sunnyvale-ca-gov.zoom.us/j/96111580540">https://sunnyvale-ca-gov.zoom.us/j/96111580540</a>		

# Study Issues Webpage Update

## Recommendation/Comment

Add a column identifying the anticipated completion date on the [Study Issues Underway](#) web page.

## Operational Change

Staff has added the Anticipated Completion Date to the Study Issue tracking tool for study issues in progress on the [Study Issues Underway](#) web page.



## Study Issues Webpage Update (cont'd)

### Recommendation/Comment

Add information to the [Study Issues Overview](#) web page on how to submit new ideas in November and December.

### Operational Change

Staff has updated the visual graphic and added text on the [Study Issues Overview](#) web page to illustrate the year round study issues process.

# Social Media - Update

## Recommendation/Comment

Use social media to promote community engagement during board and commission meetings.

## Operational Change

A pilot social media outreach campaign to increase community engagement with boards and commissions was launched in April 2021. The campaign focuses on one board or commission each month, highlighting the work of the board/commission in general and a work plan item likely to have significant community interest.

# Public Meeting Calendar with Subscription - Live

## Recommendation/Comment

Provide a public meeting calendar that allows board and commission members along with the public the option for a recurring subscription of meeting updates to their own device.

## Operational Change

Staff will seek this functionality when procuring a new Website Content Management System in Fiscal Year (FY) 2022/23 and a new Agenda Management System in FY 2023/24.

In the interim, a Google Calendar has been set up to provide this functionality: [Subscribe to Public Meetings Calendar](#)

# Chair and Vice Chair Training - Update

## Recommendation/Comment

Provide board and commission Chairs and Vice Chairs with additional training regarding how to effectively run public meetings.

## Operational Change

Staff are coordinating with an outside trainer to supplement the board and commission Chairs and Vice Chair training provided by the Office of the City Attorney and City Clerk's Office each July. This training will include Chairs, Vice Chairs and Staff Liaisons and focus on how to run an effective public meeting.

# Staff Liaison Training / Additional Support

## Recommendation/Comment

When possible add hyperlinks to the table of contents for large documents to aid in navigating through the file.

## Operational Change

Staff Liaisons have been advised of this recommendation and will be provided with training on an as-needed basis to support adding navigational hyperlinks within large documents. These hyperlinks will navigate within the document as opposed to linking to a website or another document.

# Staff Liaison Training / Additional Support

## Recommendation/Comment

Review template responses to correspondence from the public.

## Operational Change

Staff updated Board and Commission AnswerPoint template responses to explain why members of the public will not receive a response from individual Board and Commission Members.

# Staff Liaison Training / Additional Support

## Updated Response Template

### Policy response:

Thank you for your email to the [B/C name]. Your message is being forwarded to the entire [B/C]. In alignment with [Council Policy 7.2.19 \(Boards and Commissions\)](#) you will not receive a response from individual Board/Commission members. This helps ensure discussions relating to this topic occur during a public [B/C] meeting. As your message deals with City policy, it is also being copied to key staff members.

If you have any additional comments or questions, please contact me directly at [email] and [phone number].



Thank you





# City of Sunnyvale

## Agenda Item

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**21-0547**

**Agenda Date:** 5/5/2021

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**SUBJECT**

Approve the Council Subcommittee on Boards and Commissions Meeting Minutes of February 11, 2021

**RECOMMENDATION**

Approve the Council Subcommittee on Boards and Commissions Meeting Minutes of February 11, 2021 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft

### Council Subcommittee on Boards and Commissions

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Thursday, February 11, 2021

2:00 PM

Telepresence Meeting: City Web Stream

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#### Special Meeting - 2 PM

#### **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting was conducted telephonically.

Subcommittee Member Klein called the meeting to order at 2:00 p.m. via teleconference.

#### **ROLL CALL**

**Present:** 3 - Member Glenn Hendricks  
Member Larry Klein  
Member Gustav Larsson

#### **A**      [21-0178](#)      Selection of Chair

Subcommittee Member Hendricks nominated Subcommittee Member Klein to serve as Chair. He accepted the nomination.

Subcommittee Member Klein closed the nominations and called for the vote of the nomination.

Vote:

**Yes:** 3 - Member Hendricks  
Member Klein  
Member Larsson

**No:** 0

#### **PRESENTATIONS**

#### **B**      [21-0312](#)      Update Regarding Operational Changes Initiated by Staff Following the November 17, 2020 Joint Meeting of City Council With Board and Commission Chairs and Vice Chairs

City Clerk David Carnahan provided the staff report and presentation.

The subcommittee discussed and/or suggested recommendations to operational changes in the topic areas of the public meeting calendar and staff liaison training/additional support:

- Eliminate excess webpage “clicks” when hyperlinks are included in large documents. The hyperlinks should navigate directly to the document instead of an additional navigation window or to the appropriate location within a document.
- A board or commission may recommend amending their work plan during the year. Amended work plans would be presented to Council for their consideration via the consent calendar.
- The public meeting calendar with the function to subscribe to meeting updates will apply to meetings of the City Council, Council Subcommittees, along Boards and Commissions. Public outreach meetings will not be included in the meeting calendar.

Chair Klein announced that agenda item B- Update Regarding Operational Changes Initiated by Staff...and agenda item C- Overview of the Board and Commission Study Issue Sponsorship Process will be heard concurrently.

**C**      [21-0313](#)      Overview of the Board and Commission Study Issue Sponsorship Process

Management Analyst Michelle Zahraie provided the staff report and presentation.

The Subcommittee discussed and/or suggested recommendations relating to the B/C Study Issue Sponsorship process:

- Add a “target completion date” to the Study Issues tracking tool available on the Study Issues Underway web page.
- Highlight on the Study Issues Overview web page that a board or commission member may suggest a study issue topic to Council after the October due date via Council meetings.

Public Hearing opened at 2:39 p.m.

Richard Mehlinger requested the Subcommittee consider reviewing the Code of Ethics and Conduct for Elected and Appointed Officials (Code), implementing a process (other than the study issue process) to bring forward time sensitive issues

or ideas to Council, allowing members to agendaize items that do not require extensive work from staff and allowing members to respond to public inquiries submitted via the Board or Commission email answer point.

Bruce Paton spoke towards constraints related to the study issue process and recommended implementing a mechanism for developing policy ideas that are urgent or do not merit a study issue (SI) for a specific board/commission.

David Simons shared support for staff training regarding appropriate agenda titles to avoid Brown Act violations and for review of the Code. He spoke towards the SI process being implemented to filter demands on the City and identify long-term priorities. He voiced concerns with the being able to manipulate the SI selection process.

Kristel Wickham communicated concerns regarding the amount of information shared with boards and commissions after an SI has been ranked by Council and support for providing updates for those SI's such as mid-year reports, timelines and completion dates.

Public Hearing closed at 2:56 p.m.

### **PUBLIC COMMENT**

No speakers.

### **CONSENT CALENDAR**

MOTION: Subcommittee Member Hendricks moved and Subcommittee Member Larsson seconded the motion to approve agenda item 1.A.

The motion carried with the following vote:

**Yes:** 3 - Member Hendricks  
Member Klein  
Member Larsson

**No:** 0

**1.A**      [21-0311](#)      Approve the Council Subcommittee on Board and Commission Bylaws Amendments Meeting Minutes of April 26, 2019

Approve the Council Subcommittee on Board and Commission Bylaws Amendments Meeting Minutes of April 26, 2019 as submitted.

## **GENERAL BUSINESS**

- 2      [21-0314](#)      Policy Issues for Subcommittee Consideration Identified at the Nov. 17, 2020 Joint Meeting of City Council With Board and Commission Chairs and Vice Chairs

City Clerk David Carnahan provided the staff report and presentation.

Public Hearing opened at 3:04 p.m.

Richard Mehlinger spoke towards allowing members to add items to an agenda that do not require extensive work from staff. He shared that these items should not require staff to prepare a report, provide a recommendation or presentation. These items should include time limits and be secondary to work plan items.

David Simons spoke towards the boards and commissions role of advising Council and shared concerns with the reduction of advice that is being provided. He suggested the study issue process be reviewed and identifying what is truly useful such as staff recommendations.

Dawna Eskridge suggested that board and commission members be provided with an overview of study issues proposed, why a study issues was either ranked, deferred or dropped and examples of ranked study issues.

Public Hearing closed at 3:12 p.m.

The Subcommittee discussed policy issues and recommendations in the following topic areas:

### Study Issue Process

- Comment that boards and commissions are to identify and advise Council on study issues (SI).
- Comment that it is useful to educate and be transparent with board and commission members on the process and to remind the members that SI's may be submitted to Council after the October deadline.
- Comment that there is a limited amount of resources available and this is considered when SI's are ranked. - Changing the timeline for boards and commission does not equate to an increase in the number of SI that will be ranked.

#### Remote Public Participation

- Comment that remote participation has enabled community members to engage and ultimately the State would need to make changes to the Brown Act requirements regarding remote participation in order for Board and Commission Members to participate remotely.
- Comment that remote public participation is not viable in the current infrastructure.
- Comment that there is a need to first identify how Council will proceed with remote participation.
- Comment that it is valuable having Councilmembers and Board and Commission members physically present during meetings.

#### “Fast-Track” Process

- Comments that the Study Issue process functions appropriately and the “fast-track” process will not be considered.

#### Joint Meeting with Council

- Comment that joint meetings between Council and Board and Commission Chairs and Vice Chairs will be held.

#### B/C Joint Study Sessions

- Comment that joint meetings between boards and commissions are scheduled when a discussion topic is within the purview of the governing body.
- Comment that clear and concise comments are a good practice for public meetings.

#### B/C Policy Ideas

- Comment the City’s policy related to the advisory role of boards and commissions on policy items is appropriate.
- Comment that board and commission members may present policy related ideas to the staff liaison or Councilmembers.

#### B/C Subcommittees

- Comment that currently policy prohibits boards/commissions from creating standing subcommittees. Mayor will consider proposals.
- Suggestion that boards and commissions identify the need of a subcommittee via the board/commission annual work plan which is submitted to Council for consideration.
- Comment that standing subcommittees would need to adhere to Brown Act requirements that increases the workload for staff.

#### Adding Agenda Items

- Comment that agenda items may be added by amending the board/commission work plan and submitting the work plan to Council for approval. Members may present the items to staff liaisons.

#### Responses to Email

- Suggestion for staff to review the response email and revise as needed.
- Comment that the current process allows for delivery of a consist message and the current process should remain.

#### Updates to Annual Work Plans

- Comment that the current process is valuable and allows for modifications to be submitted to City Council for approval and the current process should remain.
- Comment that staff workload should be considered when work plans are being modified. Adding items to a work plan may require the removal of other items in order to balance workload.
- Comment that for unusual circumstances members should work with their staff liaisons.

#### Communication

- Comment that there are concerns with members creating a “platform” and changes to the Brown Act related to social media.
- Suggestion for City staff to provide members with training related to social media and the recent change in law the regarding social media and the Brown Act.

#### Task Force/Review of Code of Ethics and Conduct for Elected and Appointed Officials (Code)

- Comment that neighboring cities are utilizing the Code for their boards and commissions. The Mayor will evaluate if there is a need to revise.

#### Sponsorship of Budget Issues

- Comment that members may propose Budget Issues via Councilmembers.

#### Voter Registration Requirement

- Comment that voter registration requirement is a good mechanism for confirming a candidate resides in Sunnyvale.
- Comment that there is value with considering lowering the minimum age requirement to 16 years of age and removing the voter registration requirement from

non-Charter boards/commissions.

- Suggestion that staff investigate the capability of including one-seat on each board/commission that allows for flexibility such as 16 years of age, non-registered voter, etc. and present findings to the Subcommittee.

### **ADJOURNMENT**

Chair Klein adjourned the meeting at 4:07 p.m.





# City of Sunnyvale

## Agenda Item

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**21-0548**

**Agenda Date: 5/5/2021**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Survey Results of Board and Commission Members Under 18 Years Old

#### **RECOMMENDATION**

Staff makes no recommendation. This item is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

#### **ATTACHMENTS**

1. Survey results presentation



Sunnyvale

# Survey of Board and Commission Members Under 18 Years Old

David Carnahan, City Clerk  
May 5, 2021



# Agenda

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 **City Clerk List Serve Results**

 **Cities in Santa Clara County**

# B/C Members Under 18 Years Old

## Requested Information From Cities Across the State

- Received 7 responses from League of California Cities' City Clerk List Serve.
- Multiple cities have something akin to a Youth Council, similar to Sunnyvale's [Teen Advisory Committee \(TAC\)](#).
- Institute for Local Government maintains a list of [California Youth Commissions and Councils](#).
- The Santa Clara County Registrar of Voters has confirmed Sunnyvale can verify if someone is pre-registered to vote.

# Responses: B/C Members Under 18 Years Old

## Berkeley

- Most [Boards and Commissions](#) are open to those under 18 years old.
- Appointed by either individual district Councilmembers or the City Council.
- Agency relies on the [application](#) as proof of residency.

## Kingsburg

- [Community Service Commission](#) has a student member from the local high school.
- Appointed by the high school.
- Residency not required; must attend the high school.

# Responses: B/C Members Under 18 Years Old

## Lafayette

- [Youth Services Commission](#) advises the City Council on issues pertaining to teenagers.
- Appointed by City Council.
- Agency relies on the [application](#) as proof of residency.

## Los Gatos

- [Youth Commission](#) fosters civic pride and involvement in the town.
- One member + alternate serve on other boards and commissions.
- Appointed by City Council.
- Agency relies on the application as proof of residency.

# Responses: B/C Members Under 18 Years Old

## Oakley

- [Oakley Youth Advisory Council](#) (OYAC) helps with events for youth and advises the city on policies that pertain to youth.
- Appointed by existing OYAC Members.
- Residency or attending a local school is required. Interview invitations mailed to residence.

## Sierra Madre

- [Community Services Commission](#) has one youth member who must be under 18 years old.
- Appointed by City Council.
- Agency relies on the [application](#) as proof of residency.

# Responses: B/C Members Under 18 Years Old

## Livermore Area Youth Advisory Commission

- Youth Advisory Commission youth involvement in the Livermore community between the [Livermore Area Recreation & Park District](#) and the [City of Livermore](#).
- Agencies rely on the [application](#) as proof of residency.
- 15 members are 12 – 20 years old; 3 members are a minimum of 21 years old.



# Cities/Towns in Santa Clara County

## Campbell

- [Youth Commission](#) members are the only members under 18 years old.
- Grades 7 – 12.
- Appointed by staff.
- Residency is required.

## Cupertino

- [Teen Commission](#) members are the only members under 18 years old.
- Grades 8 – 11.
- Appointed by City Council.
- Residency is required.

# Cities/Towns in Santa Clara County

## Gilroy

- [Youth Commission](#)  
members are the only members under 18 years old.
- Ages 13 – 19.
- Appointed by City Council.
- Residency in Gilroy Unified School District is required.

## Los Altos

- [Youth Commission](#)  
members are the only members under 18 years old.
- Grades 7 – 12.
- Appointed by City Council.
- Residency is required.

# Cities/Towns in Santa Clara County

## Los Altos Hills

- [Youth Commission](#) members must attend middle or high school in the Town.
- Appointed by City Council.
- Council did appoint someone under 18 years old to the Emergency Communications Committee.
- Residency is required.

## Los Gatos\*

- [Youth Commission](#) fosters civic pride and involvement in the town.
- One member + alternate serve on other boards and commissions.
- Appointed by City Council
- Agency relies on the application as proof of residency.

\* Also included on Slide 5.

# Cities/Towns in Santa Clara County

## Milpitas

- [Youth Advisory Commission](#) members are the only members under 18 years old.
- Grades 7 – 12.
- Appointed by Mayor with concurrence of City Council.
- Residency is required.

## Monte Sereno

- [Youth Commission](#) members are the only members under 18 years old.
- Grades 7 – 12.
- Appointed by City Council.
- Residency is required.

# Cities/Towns in Santa Clara County

## Morgan Hill

- [Youth Action Council](#)  
members are under 18 years old.
- Ages 13 – 18.
- Appointed by Mayor with concurrence of City Council.
- Morgan Hill or San Martin residency or attending a Morgan Hill Unified School District school is required.

## Mountain View

- [Youth Advisory Committee](#)  
members are the only members under 18 years old.
- Grades 7 – 12.
- Appointed by City Council.
- Residency is required.

# Cities/Towns in Santa Clara County

## Palo Alto

- [Board and Commission](#) membership requirements do not address member age.
- Board and Commission appointment by City Council.
- Residency is required for many Board and Commission positions.

## San José

- [Youth Commission](#) members are under 18 years old.
- Ages 14 – 20.
- Appointed by Mayor or City Council.
- Residency is required.
- Some other Boards and Commissions do not require members to be at least 18 years old.

# Cities/Towns in Santa Clara County

## Santa Clara

- [Youth Commission](#)  
members are the only members under 18 years old.
- Ages 12 – 19.
- Appointed by staff.
- Residency is required.

## Saratoga

- [Youth Commission](#)  
members are the only members under 18 years old.
- Attend middle or high school in the Town.
- Appointed by City Council.
- Residency is required.



Thank You





# City of Sunnyvale

## Agenda Item

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**21-0549**

**Agenda Date: 5/5/2021**

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Discussion and Possible Action Regarding the Code of Ethics and Conduct for Elected and Appointed Officials

#### **STAFF RECOMMENDATION**

Staff makes no recommendation. This item is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

#### **ATTACHMENTS**

1. 2021 of Ethics and Conduct for Elected and Appointed Officials



**City of Sunnyvale**

**2021 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.*

## **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 have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore 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 confidential, in an atmosphere of respect and civility.

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 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, the staff or public.
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 of the City Council by City staff.

*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.*

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 publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
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 services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain 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 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 areas of service 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 designated as delegates for this purpose. 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.

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Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

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. 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 shall they 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 outcomes of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## **B. CONDUCT**

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

### **1. Elected and Appointed Officials' Conduct with One Another**

*"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."*

*-- William Butler Yeats*

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Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of 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, Chair, Commissioner or Councilmember followed by the individual's last name.

#### *Practice civility and decorum in discussions and debate*

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, 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 the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

#### *Avoid personal comments that could offend other members*

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. 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.

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 the 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. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official

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board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. 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.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

### **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 faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were 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*

Elected and appointed 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.

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**

*"Never let a problem become an excuse."  
-- Robert Schuller*

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

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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*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

*Member questions/inquiries to City staff*

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
2. Routine Requests for Information and Inquiries. Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., “What are the library’s hours of operation?” or “How does one reserve a tee time at the golf course?”). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The city manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half mast?”).
4. Non-Routine Requests Requiring Special Effort. Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the city manager, or to the city attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?”, or “What is the logic behind the City’s sign ordinances affecting businesses along El Camino Real?”). The city manager (or city attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the city manager, the city attorney as appropriate and affected department directors.
5. Meeting Requests. Any member request for a meeting with staff must be directed to the city manager or city attorney, as appropriate.
6. Public Safety Restrictions. Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of

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California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

*Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

*Never publicly criticize an individual employee*

Elected and appointed 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 through private correspondence or conversation. Comments about staff in the office of the city attorney 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*

Elected and appointed 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 policies governing volunteers. (Council Policy 7.2.19, Boards and Commissions.)

*Limit requests for staff support*

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the city manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the city manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

*Do not solicit political support from staff*

Elected and appointed 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

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citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### **3. Elected and Appointed Officials' Conduct with the Public**

*"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."*

*-- Francis Bacon*

#### **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 care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.*

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

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

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

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 ten. If many speakers are anticipated, the chair may shorten the time limit and/or 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 inappropriate 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.

*Give the appearance of active listening*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the

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room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

*Maintain an open mind*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member's ability to conduct a fair review of the issue. 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 the order and decorum of the meeting. 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. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

*No personal attacks of any kind, under any circumstance*

Members should be aware that 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 chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

**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 meet and talk with constituents in the community. 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 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

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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. It is a serious and continuous responsibility.

#### **4. Council Conduct with Other Public Agencies**

*"Always do right. This will gratify some people and astonish the rest."*  
-- Mark Twain

*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.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

*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 should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

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

#### **5. Council Conduct with Boards and Commissions**

*"We rarely find that people have good sense unless they agree with us."*  
--Francois, Duc de La Rochefoucauld

The City has established several boards and commissions as a means of gathering more community input. Citizens 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. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. 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 contact with board and commission members to questions of clarification*

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

*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 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 Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens 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 office, but not in an official forum in their capacity as a Councilmember.

## **6. Conduct with the Media**

*"Keep them well fed and never let them know that all you've got is a chair and a whip."  
-- Lion Tamer School*

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 represent the highest levels of journalistic integrity and 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 Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

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*Choose words carefully and cautiously*

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

**C. SANCTIONS**

*"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry;  
for whatever a man's actions are, such must be his spirit."  
-- Demosthenes*

*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.

*Ethics Training for Local 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.

*Inappropriate Staff Behavior*

Councilmembers should refer to the city manager any City staff or to the city attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, 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.)

*Councilmembers Behavior and Conduct*

Compliance and Enforcement. The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. 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 or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted.

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Serious infractions of the Code of Ethics or Code of Conduct 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.

#### *Board and Commission Members Behavior and Conduct*

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the city attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the

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individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Council, board or commission decision.

#### **D. PRINCIPLES OF PROPER CONDUCT**

##### **Proper conduct IS ...**

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

##### **Proper conduct IS NOT ...**

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

##### **It all comes down to respect**

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

#### **E. CHECKLIST FOR MONITORING CONDUCT**

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?

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- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

## **F. GLOSSARY OF TERMS**

<b>attitude</b>	The manner in which one shows one's dispositions, opinions, and feelings
<b>behavior</b>	External appearance or action; manner of behaving; carriage of oneself
<b>civility</b>	Politeness, consideration, courtesy
<b>conduct</b>	The way one acts; personal behavior
<b>courtesy</b>	Politeness connected with kindness
<b>decorum</b>	Suitable; proper; good taste in behavior
<b>manners</b>	A way of acting; a style, method, or form; the way in which things are done
<b>point of order</b>	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
<b>point of personal privilege</b>	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
<b>propriety</b>	Conforming to acceptable standards of behavior
<b>protocol</b>	The courtesies that are established as proper and correct
<b>respect</b>	The act of noticing with attention; holding in esteem; courteous regard

## **G. 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.

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(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))

Lead Department: Office of the City Manager

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.***

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Signature

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Date

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Name

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