



City of Sunnyvale

Notice and Agenda

Council Subcommittee on Boards and Commissions

Thursday, October 7, 2021

1:00 PM

Telepresence Meeting: City Web Stream

Special Meeting - 1 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 Government Code Subdivision 54953 (e); pursuant to state law, the City Council is scheduled to make the necessary findings on October 26, 2021

- *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 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), if you need special assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Office of the City Clerk may be reached at (408) 730-7483 or cityclerk@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

CALL TO ORDER

Call to Order via teleconference.

ROLL CALL

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 [21-0917](#) Approve the Council Subcommittee on Board and Commissions Meeting Minutes of August 16, 2021

Recommendation: Approve the Council Subcommittee on Board and Commissions Commission Minutes of August 16, 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 [21-0822](#) Discussion and Possible Recommendation to the City Council Regarding Updates to Council Policy 7.1.7 (Budget Issue Process) and Council Policy 7.2.19 (Boards and Commissions)

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 [21-0911](#) Discussion and Possible Recommendation to the City Council
Regarding Amendments to 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 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

21-0917

Agenda Date: 10/7/2021

SUBJECT

Approve the Council Subcommittee on Board and Commissions Meeting Minutes of August 16, 2021

RECOMMENDATION

Approve the Council Subcommittee on Board and Commissions Commission Minutes of August 16, 2021 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Council Subcommittee on Boards and Commissions

Monday, August 16, 2021

3:00 PM

Telepresence Meeting: City Web Stream

Special Meeting - 3 PM

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

Chair Klein called the meeting to order at 3:00 p.m. via teleconference.

ROLL CALL

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

Chair Klein and all Subcommittee Members attended via teleconference.

PUBLIC COMMENT

None.

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 - Chair Klein
Member Hendricks
Member Larsson

No: 0

1.A [21-0761](#) Approve the Council Subcommittee on Board and

Commissions Meeting Minutes of May 5, 2021

Approve the Council Subcommittee on Board and Commissions Commission Minutes of May 5, 2021 as submitted.

GENERAL BUSINESS

- 2 [21-0760](#) Discussion and Possible Recommendation to the City Council Regarding Board and Commission Sponsorship of Budget Issues

Finance Director Tim Kirby provided the staff report and presentation.

The Subcommittee discussed or suggested recommendations regarding board and commission sponsorship of Budget Issues:

- Comment that the objective of boards and commissions is to bring forward ideas that help the community. Staff would assist with identifying the appropriate process or mechanism (study issue or budget issue) for a particular idea.
- Comment that requesting board/commission members (members) to identify upfront whether their idea requires a study issue or budget issue may lead to failure.
- Comment that members may present budget issues requiring on-going costs to Councilmembers. Councilmembers can sponsor a budget issue if appropriate.
- Comment that there is no interest in creating a new process for a small number of budget issues.
- Comment that there is value in distinguishing the difference between a study issue and a budget issue.
- Comment that members can present ideas to staff liaisons. The staff liaison would then provide guidance on next steps.
- Comment that there is reluctance to combine study issues and budget issues. Combining the processes would require members to rank the items at which time the members may be unaware of important information such as other proposed issues and the City's finances.
- Comment that a budget issue process does not need to be as structured as the study issue process.
- Comment that it is important to formalize a budget issue process. In addition, explaining the difference between a study and budget issue is important.

Public Comment opened at 3:32 p.m.

No speakers.

Public Comment closed at 3:32 p.m.

MOTION: Subcommittee Member Larsson moved and Subcommittee Chair Klein seconded the motion to direct staff to revise Council Policy 7.1.7 (Budget Issue Process) to re-title as "Budget Request Process" that includes guidelines and definition, process and timeline for Council, members of the public along with Board and Commission Members to submit budget requests; and make corresponding updates to Council Policy 7.2.19 (Boards and Commissions).

The motion carried by the following vote:

Yes: 3 - Chair Klein
Member Hendricks
Member Larsson

No: 0

- 3** [21-0762](#) Discussion and Possible Recommendation to the City Council Regarding Amendments to the Code of Ethics and Conduct for Elected and Appointed Officials

City Clerk David Carnahan provided the staff report.

The Subcommittee discussed or suggested recommendations regarding amendments to the Code of Ethics and Conduct for Elected and Appointed Officials.

- Suggestion to remove reference that a board/commission member may only express individual opinions or positions on items that have not come before their board or commission. Members may express individual opinions or positions after indicating they are speaking on their sole behalf.
- Comment of support to remove sections that duplicate other policies or are largely procedural. Doing so would focus the document on ethics and conduct.
- Comment of concern regarding section "Council Conduct When Serving on Intergovernmental Assignments" and the reference that a Councilmember should withdraw from voting if the position of the organization being represented differs from that of the City.

Public Hearing opened at 4:09 p.m.

No speakers.

Public Hearing Closed at 4:09 p.m.

MOTION: Subcommittee Member Hendricks moved and Subcommittee Member

Larsson seconded the motion to accept the Code of Ethics and Conduct for Elected and Appointed Officials as presented with the following modifications:

1. Remove reference that a board/commission member may only express individual opinions or positions on items that have not come before their board or commission (Attachment 1, page 7 to the report);
2. Remove reference that a Councilmember should withdraw from voting if the position of the organization being represented differs from that of the City (Attachment 1, page 13 to the report); and
3. Direct staff to remove sections that are no longer needed or are captured in other City documents.

The motion carried with the following vote:

Yes: 3 - Chair Klein
Member Hendricks
Member Larsson

No: 0

- 4** [21-0763](#) Discussion and Possible Recommendation to the City Council Regarding Amendments to Council Policy 7.2.19 (Boards and Commissions)

City Clerk David Carnahan provided the staff report.

The Subcommittee discussed or suggested recommendation regarding Council Policy 7.2.19 (Boards and Commissions).

- Comment that Boards and Commissions meet in various buildings/rooms throughout the City. The reference that boards and commissions should meet in a large conference room at City Hall should be revised to “a large publicly accessible conference room.”
- Comment that Option 1 for Section 2B (Attachment 1, page 4 to the report) is difficult to comprehend. Suggestion that the section be broken up or perhaps include bullets in order to provide clarity.

Public Hearing opened at 4:22 p.m.

No speakers.

Public Hearing Closed at 4.22 p.m.

MOTION: Subcommittee Member Hendricks moved and Subcommittee Member Larsson seconded the motion to accept the amendments to Council Policy 7.2.19 (Boards and Commissions) as presented and approve Option 1 (Attachment 1, page 4 to the report) with following modifications:

- Clarification to Option 1; and
- Reflect that boards and commissions should meet in a large publicly accessible conference room.

The motion carried with the following vote:

Yes: 3 - Chair Klein
Member Hendricks
Member Larsson

No: 0

5 [21-0836](#) Discussion and Possible Recommendation to the City Council
Regarding Board and Commission Annual Satisfaction Survey

City Clerk David Carnahan provided the staff report.

The Subcommittee discussed and suggested recommendations regarding the Board and Commission Annual Satisfaction Survey.

- Comment that future surveys should be conducted via an online survey platform such as SurveyMonkey.
- Comment that Council Liaisons are not required to attend board/commission meetings.
- Suggestion that the City Manager's Letter of Transmittal be included in the annual review of the recommended budget by boards and commissions.
- Comment that it is worthwhile having the City Attorney provide an overview to Planning Commissioners on the Commission's objectives and the City's building codes.

Public Hearing opened at 4:30 p.m.

No speakers.

Public Hearing Closed at 4:30 p.m.

No action taken.

ADJOURNMENT

Chair Klein adjourned the meeting at 4:45 p.m.



City of Sunnyvale

Agenda Item

21-0822

Agenda Date: 10/7/2021

REPORT TO COUNCIL

SUBJECT

Discussion and Possible Recommendation to the City Council Regarding Updates to Council Policy 7.1.7 (Budget Issue Process) and Council Policy 7.2.19 (Boards and Commissions)

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. Council Policy 7.1.7 (Budget Issue Process)-Draft Updates-Redlines
2. Council Policy 7.1.7 (Budget Issue Process)-Draft Updates-Clean
3. Budget Proposal Process-Redlines
4. Budget Proposal Process-Clean
5. Board and Commission Budget Proposal Form
6. Council Policy 7.2.19 (Boards and Commissions)-Draft Updates-Redlines
7. Council Policy 7.2.19 (Boards and Commissions)-Draft Updates-Clean

COUNCIL POLICY MANUAL

Policy 7.1.7 ~~Budget Issue-Proposal~~ Process

POLICY PURPOSE:

One of Council's primary roles is to approve an annual budget. While the city manager submits a proposed budget to Council, Council can propose the addition of one-time or ongoing expenses through ~~a B~~Budget Proposal~~supplements.~~

It is the purpose of this policy to identify those aspects of the City's Budget ~~Issue-Proposal~~ process for which Council has established required standards. This policy is in no way intended to constrain the actions or options of the ~~e~~City ~~m~~Manager with respect to the number or type of ~~Budget Proposals~~budget issues or supplements ~~he or she includes~~that may be included in the context of ~~his/her~~the recommended budget; to Council; ~~and~~and Those aspects of the City's Budget ~~Issue-Proposal~~ process not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the ~~e~~City ~~m~~Manager.

POLICY STATEMENT:

1. ~~Budget Proposal~~Issue Sponsorship

A Council sponsored ~~budget issue~~Budget Proposal must receive the support of at least two councilmembers in order for staff to prepare a ~~budget issue~~Budget Proposal paper, and for the issue to be considered at the Council Study ~~Issues~~/Budget Issues-Proposals Workshop; ~~and subsequently during the budget approval process.~~

2. Selection of Budget ~~Proposals~~Issues

Any Council-proposed budget addition of a one-time or ongoing expenditure is subject to the ~~B~~Budget Proposal~~issue~~ process. Exceptions to this approach include emergency issues; and urgent budgetary issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council. Exceptions such as this shall be processed as budget modifications in accordance with established Department of Finance practice.

3. Deadlines for Councilmember-Proposed Budget Proposals~~Issues~~

- A. New Council-proposed ~~budget issues~~Budget Proposals are due to the ~~e~~City ~~m~~Manager no later than three weeks in advance of the annual Study ~~Issues~~/Budget Issues-Proposals Workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, ~~but must do so during that Council meeting.~~

~~B. Additional budget issues may be proposed during the annual workshop.~~

4. Drop or Deferral of Issues~~Proposals~~

- A. At the Study ~~Issues~~/Budget Issues-Proposals Workshop, Council shall drop, ~~defer~~, or refer to the subsequent budget workshop each proposed ~~budget issue~~Budget Proposal. Any ~~Proposal~~issue that is dropped by a majority vote of Council will not be eligible for consideration during next year's process unless sponsored by a

COUNCIL POLICY MANUAL

majority of the Council. ~~Any issue that is deferred shall automatically be returned for Council's consideration the following year.~~ Any Proposal~~issue~~ referred to the budget shall be brought back as a budget supplement~~s~~ for Council's consideration during the subsequent budget workshop, whether or not the City Manager includes the ~~issue~~Proposal in his/her recommended budget.

Lead Department: Finance

(Adopted: RTC 014-0568 (9/30/14))

Policy 7.1.7 Budget Proposal Process

POLICY PURPOSE:

One of Council's primary roles is to approve an annual budget. While the city manager submits a proposed budget to Council, Council can propose the addition of one-time or ongoing expenses through a Budget Proposal.

It is the purpose of this policy to identify those aspects of the City's Budget Proposal process for which Council has established required standards. This policy is in no way intended to constrain the actions or options of the City Manager with respect to the number or type of Budget Proposals or supplements that may be included in the context of the recommended budget to Council. Those aspects of the City's Budget Proposal process not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the City Manager.

POLICY STATEMENT:

1. Budget Proposal Sponsorship

A Council sponsored Budget Proposal must receive the support of at least two councilmembers in order for staff to prepare a Budget Proposal paper, and for the issue to be considered at the Council Study Issues/Budget Proposals Workshop.

2. Selection of Budget Proposals

Any Council-proposed budget addition of a one-time or ongoing expenditure is subject to the Budget Proposal process. Exceptions to this approach include emergency issues and urgent budgetary issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council. Exceptions such as this shall be processed as budget modifications in accordance with established Department of Finance practice.

3. Deadlines for Councilmember-Proposed Budget Proposals

- A. New Council-proposed Budget Proposals are due to the City Manager no later than three weeks in advance of the annual Study Issues/Budget Proposals Workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.

4. Drop or Deferral of Proposals

- A. At the Study Issues/Budget Proposals Workshop, Council shall drop, or refer to the subsequent budget workshop each proposed Budget Proposal. Any Proposal that is dropped by a majority vote of Council will not be eligible for consideration during next year's process unless sponsored by a majority of the Council. Any Proposal referred to the budget shall be brought back as a budget supplement for Council's consideration during the subsequent budget workshop, whether or not the City Manager includes the Proposal in his/her recommended budget.

COUNCIL POLICY MANUAL

Lead Department: Finance

(Adopted: RTC 014-0568 (9/30/14))

BUDGET ~~REQUESTS-PROPOSALS~~ PROCESS

OVERVIEW

Budget ~~Requests-Proposals~~ are ~~proposals submitted to fund a new initiative or adjust (increase or decrease) the funding level of an existing project or program in support of the City's General Plan goals and/or Council priorities. add a new service, eliminate a service or change the service level of an existing City service.~~ Budget ~~RequestProposals~~ can be sponsored by the City Manager, City Council, or Boards and Commissions.

- Any Budget ~~RequestProposal~~ proposed by a City Council member requires a Council sponsor and co-sponsor.
- Any Budget ~~RequestProposal~~ proposed by a Board or Commission member must receive majority Board/Commission support to move forward in the process.
- Any member of the public wishing to propose an item must get the ~~issue-proposal~~ sponsored by the City Manager, Board or Commission, or City Council.

While Budget ~~RequestProposals~~ can be proposed year-round, Council reviews and acts on Budget ~~RequestProposals~~ once a year as a part of the ~~Study issues/Budget Requests-Study Issues/Budget RequestProposals~~ Workshop. Prior to the ~~Study issues/Budget Requests-Study Issues/Budget RequestProposals~~ Workshop, a public hearing is held to allow for input on Budget ~~RequestProposals~~ that have already been proposed as well as to solicit and receive any additional Budget ~~RequestProposals~~.

Budget ~~RequestProposals~~ that are sponsored by October or at the public hearing will be reviewed by the appropriate departments. This review will include a brief write-up on the ~~relationship to General Plan and/or Council priorities, objectives to be achieved, impact to service levels~~ and the estimated fiscal impact of the proposed Budget ~~RequestProposal~~. All Budget ~~RequestProposals~~ will be summarized in one Report to Council, and the departmental write-ups will be included as an attachment to the report. This Report to Council will be included in the documentation that is provided for the ~~Study issues/Budget Requests-Study Issues/Budget RequestProposals~~ Workshop.

At the ~~Study issues/Budget Requests-Study Issues/Budget RequestProposals~~ Workshop, Council will act on all sponsored Budget ~~RequestProposals~~. Potential actions include referring the Budget Request to the City Manager for consideration in the Recommended Budget, ~~deferring~~ or dropping the Budget ~~RequestProposal~~. Referring the Budget ~~RequestProposal~~ to the City Manager for consideration in the Recommended Budget means that the Budget ~~RequestProposal~~ will be incorporated into the overall budgetary review, but it does not necessarily mean that the proposal will ultimately be funded in the City Manager's Recommended Budget to Council.

PROCESS AND TIMELINE

Through October – Liaisons to Boards and Commissions should work with their Board or Commission to determine if there are any Budget ~~Requests-Proposals~~ that they wish to propose and agendaize. Once the Budget ~~RequestProposals~~ are identified and the Budget ~~RequestProposals~~ Summary Forms are completed for each proposed issue, the summary forms should be routed for approval through LegiStar.

The Budget ~~Request~~Proposals Form can be found in LegiStar as Microsoft Word “Add In” template

January	<ul style="list-style-type: none">• Council holds a public hearing on proposed Budget RequestProposals• Additional Budget RequestProposals may be proposed at the public hearing
February	<ul style="list-style-type: none">• Council refers, defers, or drops proposed Budget Requests <u>Proposals</u> at the Study Issues/Budget Requests <u>Study Issues/Budget RequestProposals</u> Workshop
March	<ul style="list-style-type: none">• Budget Supplements are due to Finance; follow City Clerk instructions for drafting Legislative Files; <i>Budget Supplement template in LegiStar as Microsoft Word “Add-In”</i>
May/June	<ul style="list-style-type: none">• Recommended Budget Request<u>Supplementss</u> are reviewed and approved during the budget adoption process
July – December	<ul style="list-style-type: none">• Budget RequestProposals Summary Form accepted all year, but should be submitted by <u>October</u> for consideration in the next Study issues/Budget Requests <u>Study Issues/Budget RequestProposals</u> workshop• Staff publishes all City Manager approved budget request<u>Proposals</u>/study issues and additional workshop materials to the website: https://sunnyvale.ca.gov/government/council/study/default.htm

BUDGET PROPOSAL PROCESS

OVERVIEW

Budget Proposals are submitted to fund a new initiative or adjust (increase or decrease) the funding level of an existing project or program in support of the City's General Plan goals and/or Council priorities. Budget Proposals can be sponsored by the City Manager, City Council, or Boards and Commissions.

- Any Budget Proposal proposed by a City Council member requires a Council sponsor and co-sponsor.
- Any Budget Proposal proposed by a Board or Commission member must receive majority Board/Commission support to move forward in the process.
- Any member of the public wishing to propose an item must get the proposal sponsored by the City Manager, Board or Commission, or City Council.

While Budget Proposals can be proposed year-round, Council reviews and acts on Budget Proposals once a year as a part of the Study Issues/Budget Proposals Workshop. Prior to the Study Issues/Budget Proposals Workshop, a public hearing is held to allow for input on Budget Proposals that have already been proposed as well as to solicit and receive any additional Budget Proposals.

Budget Proposals that are sponsored by October or at the public hearing will be reviewed by the appropriate departments. This review will include a brief write-up on the relationship to General Plan and/or Council priorities, objectives to be achieved ~~impact to service levels~~ and the estimated fiscal impact of the proposed Budget Proposal. All Budget Proposals will be summarized in one Report to Council, and the departmental write-ups will be included as an attachment to the report. This Report to Council will be included in the documentation that is provided for the Study Issues/Budget Proposals Workshop.

At the Study Issues/Budget Proposals Workshop, Council will act on all sponsored Budget Proposals. Potential actions include referring the Budget Request to the City Manager for consideration in the Recommended Budget, or dropping the Budget Proposal. Referring the Budget Proposal to the City Manager for consideration in the Recommended Budget means that the Budget Proposal will be incorporated into the overall budgetary review, but it does not necessarily mean that the proposal will ultimately be funded in the City Manager's Recommended Budget to Council.

PROCESS AND TIMELINE

Through October – Liaisons to Boards and Commissions should work with their Board or Commission to determine if there are any Budget Proposals that they wish to propose and agendaize. Once the Budget Proposals are identified and the Budget Proposals Summary Forms are completed for each proposed issue, the summary forms should be routed for approval through LegiStar.

The Budget Proposal Form can be found in LegiStar as Microsoft Word "Add In" template

January	<ul style="list-style-type: none">• Council holds a public hearing on proposed Budget Proposals• Additional Budget Proposals may be proposed at the public hearing
February	<ul style="list-style-type: none">• Council refers, or drops proposed Budget Proposals at the Study Issues/Budget Proposals Workshop
March	<ul style="list-style-type: none">• Budget Supplements are due to Finance; follow City Clerk instructions for drafting Legislative Files; <i>Budget Supplement template in LegiStar as Microsoft Word “Add-In”</i>
May/June	<ul style="list-style-type: none">• Recommended Budget Supplements are reviewed and approved during the budget adoption process
July – December	<ul style="list-style-type: none">• Budget Proposal Summary Form accepted all year, but should be submitted by <u>October</u> for consideration in the next Study Issues/Budget Proposals workshop• Staff publishes all City Manager approved budget Proposals/study issues and additional workshop materials to the website: https://sunnyvale.ca.gov/government/council/study/default.htm



Sunnyvale

Board and Commission Budget Proposal Form

The Budget Proposal process is designed to assist City Council with identifying funding needs within their relevant area of authority;

The Budget Proposal process should focus on proposals to add a new service, eliminate a service or change the level of an existing City service. The Budget Proposal Form is designed to focus board and commissioner members' ideas on potential proposals, and provide the opportunity for staff feedback and guidance. *Board members or commissioners may only fill out a form for Budget Proposals within their purview.*

Date Submitted to Staff Liaison:

Board/Commission Submitted by:

Budget Proposal Working Title:

1. What are the key elements of the proposal? What precipitated this Proposal?

2. How does this relate to the General Plan, Council Priority, and/or City Policy?

3. Initial Fiscal Impact and/or Comments: [Staff Use Only]

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions Program.

1. POLICY STATEMENT:

This policy pertains only to Council-appointed boards and commissions. Many of its provisions are rooted in the [City Charter](#), and where any conflict exists between this policy and the City Charter, the City Charter shall prevail.

A. Boards and commissions are created by the City Council for the following general purposes:

- (I) To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and
- (II) To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.
- (III) See also Section 2.I, Duties.

B. Boards and commissions shall not involve themselves in administrative/operational matters or the implementation of Council policy, except as requested by the [City Manager](#) or his/her designated staff. (See also Section 2.I., Duties.)

2. BOARD AND COMMISSION BYLAWS

A. The City maintains ten Council-appointed boards and commissions.

As a matter of policy, it serves the public interest to have the greatest possible public access to board and commission meetings. As such, meeting locations for boards and commission shall be selected by staff according to the following guidelines:

- Meeting rooms should be of a size adequate to allow for public participation.
- Boards and Commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.

- Boards and commissions should preferably meet in either the Council Chambers or ~~the Westa large publicly accessible C~~onference ~~R~~oom ~~at City Hall~~.
- (I) Arts Commission:
This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the arts and the development and promotion of arts programs and activities. Meetings are held on the third Wednesday of each month at 7 p.m.
- (II) Bicycle and Pedestrian Advisory Commission:
This seven-member commission acts in an advisory capacity to the City Council on bicycle and pedestrian issues. Meetings are held on the third Thursday of each month at 6:30 p.m.
- (III) Board of Building Code Appeals:
Formed by Municipal Code Ordinance 1315. This five-member board has final decision-making authority in all appeals related to building construction, including interpretation of building codes. Meetings are held only as necessary, on the third Wednesday of the month at 6 p.m.
- (IV) Board of Library Trustees:
Formed by City Charter Section 1013. This five-member board acts in an advisory capacity to the City Council on library related issues. Meetings are held on the first Monday of each month at 7 p.m. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month.
- (V) Heritage Preservation Commission:
Formed by City Charter Section 1015. – This seven-member commission acts in an advisory capacity to the City Council and has certain decision-making authority on the restoration, maintenance and operation of heritage resources throughout the City. Meetings are held on the first Wednesday of every other month beginning in January (and on the first Wednesday of alternate months when needed) at 7 p.m.
- (VI) Housing and Human Services Commission:
This seven-member commission acts in an advisory capacity to the City Council on programs, policies, and other issues regarding housing and human services. Meetings are held on the fourth Wednesday of each month at 7 p.m.
- (VII) Parks and Recreation Commission:
Formed by City Charter Section 1011. This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural

COUNCIL POLICY MANUAL

and recreational activities. Meetings are held on the second Wednesday of each month at 7 p.m.

(VIII) Personnel Board:

Formed by City Charter Section 1007. This five-member board acts in an advisory capacity to the City Council and ~~C~~City ~~m~~Manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m.

(IX) Planning Commission:

Formed by City Charter Section 1009. This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 7p.m.

(X) Sustainability Commission:

This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action ~~Plan~~-Playbook (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m.

B. Eligibility and Membership

- No board or commission members shall hold any paid office or employment in the City Government.
- All persons appointed ~~to a Charter formed Board or Commission~~ shall be registered voters of the City.
- All persons appointed ~~and~~ shall maintain their principal place of residence within the City at the time of their appointment (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii) – Sunnyvale residency not required), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii) – Sunnyvale residency not required).
- If at any time during their term any member of a ~~Charter formed~~ board or commission shall cease to be an elector of the City or any member of a board or commission shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii)), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii)).

Spouses, Household Members, and Relatives

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

(I) Concurrent Service

No member of any board or commission listed herein, chartered or otherwise, may serve on more than one board or commission at the same time.

(a) Exception:

Members of the Board of Building Code Appeals may serve on another board or commission at the same time.

(II) Specific membership requirements for charter-related Boards and Commissions are as follows:**(a) Board of Building Code Appeals:**

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. (Source: *Municipal Code Section 16.08.020*)

(b) Personnel Board:

To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee. (Source: *City Charter Section 1007*)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale *in a position which has the right to have a disciplinary matter heard before the Personnel Board.*

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. *(Source: City Charter Section 1007)*

(c) Planning Commission:

To be eligible for appointment, each appointee shall not hold any paid office or employment in the City government, *except that the eCity Mmanager or his/her designated representative, shall serve as an ex-officio member of the Commission.* *(Source: City Charter Section 1009)*

(III) **Specific membership requirements for non-charter-specified Boards and Commissions are as follows:**

(a) Arts Commission:

The members of this commission shall have a demonstrated interest in the arts (such as visual, performing, literary) and in the art programs of the City. It is preferable that the Arts Commission include at least one member with a background in visual arts and at least one member with a background in performing arts.

(b) Bicycle and Pedestrian Advisory Commission:

The members of the commission shall be selected from two categories:

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

(c) Housing and Human Services Commission:

The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues.

(d) Sustainability Commission:

The Sustainability Commission shall be open to individuals with a demonstrated interest in environmental sustainability issues. The members of the commission shall be selected from two categories:

- i. Category One (minimum of three members) shall be Sunnyvale ~~registered voters~~ residents.
- ii. Category Two (minimum of one member) shall include members of the Sunnyvale business community. Such members need not be Sunnyvale residents.

(IV) **Limitation on Terms**

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

All board and commission members are eligible to serve two successive four-year terms on the same board or commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

C. Recruitment

Through the Office of the City Manager, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

D. Appointment

Appointments of board and commission members shall be placed on the agenda at a City Council meeting.

The appointment process will be conducted according to one of the following two methods.— In the event that one or more Councilmembers participate via teleconference, voting shall be done using individual candidate votes.— Otherwise, the choice of methods is at the discretion of the Mayor on a commission-by-commission basis.

Individual Candidate Votes:

The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each

applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain. The process is repeated for each board or commission.

Paper Votes:

The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences.— The City Clerk will distribute individual voting sheets to be completed by each Councilmember.— The candidate receiving the most votes and at least four affirmative votes will be appointed.— Should no candidate receive at least four affirmative votes, the vacancy will remain.

Resolving ties:

Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor ~~would~~will ask the ~~e~~City ~~a~~Attorney to draw the name of the person to be appointed.

If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

(I) **Exception:**

(a) Board of Building Code Appeals:

- i. In the event an appeal to be heard by the Board of Building Code Appeals is filed and the board lacks a quorum, the Director of Community Development shall select~~a~~ temporary board member(s) to hear such an appeal. Any temporarily appointed board member(s) shall hear no more than three appeals within 12 months and shall meet all eligibility requirements as described in this policy.

E. Oath of Office

Each board and commission member, before entering upon the discharge of the duties of his/her office, shall sign the City's Model of Excellence (an attachment to the Code of Ethics document) and take, subscribe to, and file with the ~~e~~City ~~C~~lerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." (*Source: City Charter Section 910*)

After taking the Oath of Office and signing the Model of Excellence in the Office of the City Clerk, each board and commission member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled Council meeting.

F. Required Training/Conferences and Disclosure Obligations

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the City Council and/or eCity mManager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or “how to run a meeting” for board and commission chairs).
- (II) Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City’s interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.
- (III) Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

California Government Code Section 87200 (the Political Reform Act) specifically applies to:

- Members of the Planning Commission

The City’s Conflict of Interest Code requires appointees of designated boards and commissions to file Statements of Economic Interests. The City’s Conflict of Interest Code designates members of the following boards and commissions to file Statements of Economic Interests:

- Members of the Arts Commission
- Members of the Board of Building Code Appeals
- Members of the Heritage Preservation Commission
- Members of the Housing and Human Services Commission

G. Officers

(I) Selection of Chair and Vice Chair

Unless otherwise dictated by City Charter, each board and commission shall, within the month of July each year, or during the next regularly scheduled meeting if a July meeting is not otherwise necessary, elect one of its members as presiding officer, to serve commencing after the end of the meeting, upon completion of mandatory chair training and ideally in time to advise staff on the agenda for the next regularly-scheduled meeting. The Board of Building Code Appeals must meet in July to select a chair and vice chair if no meetings are scheduled in the future. The selection of chair and vice chair shall be the last item on the agenda at the scheduled meeting. All boards and commissions shall select their chair and vice chair in accordance with practices and procedures outlined by the Office of the City Clerk.

(II) Chair's Role and Responsibilities

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows [Ralph M. Brown Act](#) requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) Ensures that items on the agenda are in alignment with the [City Council](#) approved work plan. Should the chair and the staff liaison disagree regarding the agenda, the [eCity mManager](#) shall have final authority subject to appeal to the City Council.
- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.

(III) Vice Chair's Role and Responsibilities

- (a) Attends training in how to be an effective vice chair prior to assuming the role.
- (b) Serves as the presiding officer in the absence of the chair.
- (c) Joins board or commission chairs in meetings with Council in a study session setting on a regular schedule at least annually, per Section G.(II)(h).

H. Meetings, Attendance and Quorums (see also Council Policy 7.3.8 (Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings))

(I) Meetings

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under The Standard Code of Parliamentary Procedure, 4th Edition. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

(II) Attendance

Each member of a City board or commission is expected to attend all regularly scheduled meetings*, and as many special meetings as possible. When a board or commission member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and ~~for~~ staff liaison.

The board/commission chair shall, in consultation with the staff liaison, propose that each absence be “excused” or “unexcused.” Each board or commission shall then determine by general consent (or, failing to achieve general consent, by majority vote) their members’ absences from regularly scheduled meetings as excused or unexcused** and shall include that record in official meeting minutes. Absences from special meetings shall be recorded but shall not be classified as “excused” or “unexcused.”

Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any ~~twelve~~ consecutive 12-month period, shall result in that member’s seat being declared vacant by the eCity eClerk. Any declaration of vacancy based on unexcused absence from more than 25% of all regularly scheduled meetings over any consecutive 12-month period shall be appealable to the City Council. (Declarations based on absence from three consecutive regularly scheduled meetings are Charter-based and are not appealable.)

Board and commission members are responsible for monitoring their own attendance records. Staff shall prepare for the City Council semi-annual reports of all the City’s boards and commissions showing the attendance of each member at both regular and special meetings during the past 12 months. The percent of regularly scheduled meetings attended shall only

be shown for board and commission members having been in office at least six months.

Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members.

* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or commission routinely meets. For example, if the Heritage Preservation Commission is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered “regular meetings.” Any other meetings shall be considered special meetings. Regularly scheduled meeting *dates and times* for all boards and commissions shall be posted on the City’s Web site and in the Boards and Commissions Handbook.

** *Excused absences* shall be limited to those which meet both of the following requirements:

- (a) The absent member must have informed the chair and ~~or~~ the ~~City~~ staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair ~~or~~ and the staff liaison prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice), *and*
- (b) The absence is due to one of the following:
 - i A death in the family,
 - ii Personal illness,
 - iii Board or commission-related business,
 - iv Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently and to 10% of regularly scheduled meetings for those meeting more frequently),
 - v Emergency, ~~or~~
 - vi Decision by member’s supervisor in employment or required military service, or
 - vii Maternity-Federal and State Family leave.

(III) **Quorums**

Boards and commissions have a quorum present when a majority of their total membership is present. “Total membership” means the number of members indicated in Section 2.A (I) through (VIII); i.e., the Planning Commission has a total membership of seven.

(IV) Majority and Abstentions

Board and/or commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present *and* voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results. (*Source: The Standard Code of Parliamentary Procedure, 4th Edition*)

(V) Ad-hoc Committees

Ad-hoc committees may be established as required to facilitate the study of Council-directed or staff-requested initiatives. These committees will be project-specific and will function only for the duration of the project. The creation of an ad-hoc committee must be included on the meeting agenda to allow the board or commission to discuss and take action regarding the creation of the ad-hoc committee.

I. Duties

Aside from obligations related to attendance and training noted elsewhere in this policy, the general duties for all board and commission members are:

(I) General Duties**(a) Work Plans**

Each board and commission shall create an Annual Work Plan which is a 12-month calendar of the policy issues the board/commission will be acting on during the year.

(b) Study Issues Process

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

- To advise Council regarding the identification of policy issues to study
- To advise Council on those issues Council has decided to study

Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or

commissions, or at the next regular meeting of the respective board or commission.

(c) Budget

Board and commission members have two roles in the budget process:

- To advise Council regarding the identification of budget issuesrequest
- Provide Council a recommendation regarding the eCity mManager's recommended budget for content under the purview of their board or commission.

(d) Operational Issues

Upon request by staff, boards and commissions may serve as advisory bodies to staff regarding operational issues.

(II) **Specific Duties**

Boards and Commissions shall focus their work within the scope of the General Duties and Specific Duties as defined, unless conferred upon by the City Council as described in Additional Duties (Section 2.I.7-III).

(a) Arts Commission:

- i Review those portions of master plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to the City Council.
- ii Review and make recommendations on the Arts Sub-Element of the General Plan.
- iii Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
- iv Make policy recommendations regarding the purchase of art for public buildings and for art in private development in accordance with the Sunnyvale Municipal Code.
- v Study the regional and state Arts Master Plans and make recommendations to the City Council.

(b) Bicycle and Pedestrian Advisory Commission:

- i Recommend priorities for bicycle and pedestrian projects for the annual Transportation Development Act (TDA) Article 3 funding application cycle.
- ii Participate in periodic review and revision of the Bicycle-Active Transportation Plan and Bicycle Map.

- iii Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.
- iv Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
- v Develop recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
- vi Review and make recommendations on the applicable sections of the General Plan.

(c) Board of Building Code Appeals:

- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal. *(Source: Sunnyvale Municipal Code ~~Chapter~~Section 16.08.020 and Section 16.16.020)*
- ii Consider and make determinations on appeals of green building requirements made by the ~~d~~Director of ~~e~~Community ~~d~~Development. *(Source: Sunnyvale Municipal Code ~~Chapter~~Section 19.39.070)*

(d) Board of Library Trustees:

- i Review and make recommendations on the Library section within the Community Character Element of the General Plan.
- ii Assess community conditions which affect Library goals and policies.
- iii Review and make recommendations regarding agreements with outside groups and recommend funding allocations.

(e) Heritage Preservation Commission:

- i Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts. *(Source: City Charter Section 1016)*
- ii Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance. *(Source: City Charter Section 1016)*
- iii Decision-making authority on resource alteration permits and landmark alteration permits as well as actions to remove a heritage resource from the list of heritage resources. These decisions are final unless appealed to the City Council.
- iv Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits.
- v Recommendations to the City Council on new heritage resource and landmark sites and districts (including buildings, landscapes, and other artifacts that are considered significant in Sunnyvale's history).
- vi Recommendation to the City Council on Heritage Housing and other heritage zoning districts.

- vii Participation in the development and promotion of museums and City archives.

(f) Housing and Human Services Commission:

- i Review and make recommendations on the Housing and Community Revitalization Sub-Element and Socioeconomic Element of the General Plan.
- ii Review proposed funding policies and grant applications by eligible housing and human service* agencies for Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and/or other available funds for public services and/or housing projects, and make funding recommendations to the City Council in response to the proposals received.
- iii Hold public hearings on draft Housing and Urban Development (HUD) Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to the City Council regarding the content of those plans.
- iv In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The Commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the City Council has established an advisory board or commission, unless dual responsibility therefore is explicitly authorized by a City Council-approved Agenda Calendar or work plan.
- v Study, evaluate and recommend policies relating to human rights and human relations issues related to housing and human services* in Sunnyvale.

*~~H~~uman ~~s~~ervices as defined by Council Policy 5.1.3 (Human Services)

(g) Parks and Recreation Commission:

- i Study, evaluate and recommend to the City Council policies relating to parks and recreation activities, such as:
 - Community center use policy
 - Park building use policy

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- Picnic facility use policy
- License agreements
- ii Review master plan of park development or expansion for adequacy, appearance and other appropriate criteria in an attempt to ensure good design and make recommendations to the City Council.
- iii Review and make recommendations regarding agreements with parks and recreation related outside groups and recommend funding allocations.
- iv Study, evaluate and recommend to the City policies relating to human rights and human relations issues that may arise when addressing issues such as inclusion in the use of City parks and recreation facilities, program accessibility and cultural diversity.

(h) Personnel Board:

- i Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed (terminated), and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom. *(Source: City Charter Section 1008)*
- ii After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations. *(Source: City Charter Section 1008)*
- iii Perform such other duties with reference to personnel administration, not inconsistent with the City Charter, as the City Council may require by ordinance. *(Source: City Charter Section 1008)*

(i) Planning Commission:

- i After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City. *(Source: City Charter Section 1010)*
- ii Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance. *(Source: City Charter Section 1010)*
- iii Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled “Planning” of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of the City Charter. *(Source: City Charter Section 1010)*
- iv Decision-making authority on a variety of discretionary land use applications (e.g. use permits, special development permits, variances, specified design reviews, tentative maps and appeals

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of decisions of the Zoning/Administrative Hearing Officer). These decisions are final unless appealed to the City Council.

- v Final decision-making authority on appeals of staff decisions on minor land use applications (e.g. Tree Removal Permits, Miscellaneous Plan Permits).
- vi Provide recommendations to City Council on legislative actions such as zoning code amendments, rezoning of property, amendments to the General Plan, and new and revised specific plans as well as related applications considered at the same time as a legislative action.
- vii Review and make recommendations on the entire General Plan (all Elements and Sub-elements) as updates and amendments are considered.
- viii Review and act on environmental documents in compliance with the California Environmental Quality Act (CEQA), when related to any of the above actions.

(j) Sustainability Commission:

- i. Advise [City](#) Council on policy issues addressing sustainability goals.
- ii. Advise [City](#) Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
- iii. Periodically review policies governing specific practices, such as ~~g~~Green~~h~~House ~~G~~gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
- iv. Advise [City](#) Council on ways to drive community awareness, education, and participation in best sustainability practices.
- v. Review and make recommendations to [City](#) Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

(III) Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or by revision to this policy.

J. Interaction with City Council, Public, Staff, and other Board and Commission Members

(I) Staff Support to Board and Commissions

- (a) The eCity Manager shall appoint a staff liaison to support each board and commission.

(II) Role in Public Communication

- (a) In addition to their role as advisors to the City Council, boards and commissions, as a body, serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link, explaining City programs and recommendations, advocating established City policy and services, as well as providing a forum for public comment during public meetings.

(III) Board and Commission Role Outside of Meetings

- (a) 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 City Council or the board or commission to do so for a particular purpose.
- (b) Private.
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.
- (c) Public.
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 (or his/her designee) 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 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 City 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. *(Source: Code of Ethics and Conduct for Elected and Appointed Officials)*

- (d) Board and Commission Communication and Code of Ethics. 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. *(Source: Code of Ethics and Conduct for Elected and Appointed Officials)*

Although a board or commission may disagree with the final decision the City Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the City Council. *(Source: Code of Ethics and Conduct for Elected and Appointed Officials)*

Board and commission members shall adhere to the City's Code of Ethics and Conduct for Elected and Appointed Officials. Council conduct with boards and commissions is also covered in the City's Code of Ethics and Conduct for Elected and Appointed Officials.

- (e) Board and Commission Communication with City Council
Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall conduct regular joint meetings with Chairs and Vice Chairs per paragraph G.(II)(h) with the intention to review and improve overall effectiveness of board and commission meetings.

Council shall consider joint study sessions with boards and commissions as warranted.

Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter. *(Source: General Plan Policy CV-1.3Community Engagement Sub-Element 7.2C.5(a))*

Board and commission members with individual concerns of a non-operational nature may seek guidance in any of the following ways:

- i. Consult with the board/commission chair. If possible, this is the preferred course of action.
- ii. Consult with the Mayor.
- iii. Consult with the Council Liaison to their board/commission or another Councilmember.

When a commission has questions about the commission's duties or the interpretation of Council policy, the commission may direct an inquiry to:

- i. The Mayor.
- ii. The Council Subcommittee on BylawsBoards and Commissions.
- iii. The full Council.

When sharing public correspondence with boards and commissions, staff shall be guided by the following principles:

- Facilitate communication of information on policy issues from the public to the boards and commissions
- Adhere to the law and Council policy (the two Council policies that most relate to this issue are: "Outside of official b/c meetings, individual b/c members are not authorized to represent the City or their b/c unless specifically designated by the City Council or the b/c to do so for a particular purpose", and "Boards and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.")
- Treat all the City's boards and commissions equitably
- Provide all boards and commissions the information needed to do their jobs
- Avoid misleading the public
- Utilize staff time efficiently and effectively

K. Recognition

An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of

the City Manager, shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time, and will be suitable for the occasion.

L. Resignation/Completion of Term

When a board or commission member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, eCity eClerk and eCity mManager, indicating the effective date and the reason(s) for resignation. When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy.

Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

M. Sanctions

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 eCity eClerk, the eCity aAttorney, the eCity mManager, 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 California Public Records Act. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

(a) Censure

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the City 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 California Public Records Act.

(b) Harassment

The City of Sunnyvale is committed to providing an environment for employees, elected or appointed officials, members of the public, or contractors that promotes

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dignity and respect and is free from discrimination and harassment. The City maintains a strict policy prohibiting all forms of harassment and discrimination based upon protected classifications as defined below.- “Protected Classification” includes race, religion (including religious dress or grooming practice), religious creed, color, sex (includes gender, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding), sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity, national origin, ancestry, citizenship status, military and veteran status, marital status, family relationship, age, medical condition, genetic characteristics and/or genetic information, and physical or mental disability.

Any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved. Because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Sunnyvale encourages early reporting of concerns or complaints.- Prompt reporting will better enable the City to respond, investigate if necessary, provide an appropriate remedy, and impose discipline if appropriate.

For information or to file a complaint, contact any of the following:

- The City’s Human Resources Director, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3001;
- The City’s Employee Relations Manager, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3029;
- The City Manager, City Attorney, Assistant City Manager, Deputy City Manager, Department Directors, or other managers.

N. Investigations

When deemed warranted, the Mayor or majority of City Council may call for an investigation of board or commission member conduct. Should the eCity mManager or eCity aAttorney believe an investigation is warranted, they shall confer with the Mayor or City Council. The Mayor or City Council shall ask the eCity mManager and/or the eCity aAttorney 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 California Public Records Act.

It shall be the Mayor and/or the City Council's responsibility to determine the next appropriate action. These actions include, but are not limited to: take no further action; discussing and counseling the 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.

O. Removal

The members of each board or commission shall be subject to removal by motion of the City Council approved by at least four affirmative votes, for the following reasons:

- (I) Failure to maintain eligibility requirements
- (II) Failure to take the required Oath of Office
- (III) Failure to complete required training
- (IV) Failure to meet attendance requirements
- (V) Failure to fulfill board or commission duties
- (VI) Failure to adhere to Council policy governing boards and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- (VII) Violation of the Code of Ethics and Conduct

P. Administrative Policies

The eCity manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.

Q. Council Liaisons to Boards and Commission

The City Council shall appoint one councilmember to serve as a council liaison to each board and commission, except for the Planning Commission, the Personnel Board, and the Board of Building Code Appeals. Appointments shall change every six months, with the roster established annually as part of the City Council intergovernmental relations appointment process. The method of assignment shall be automatic rotation using seat-Council District numbering, with the Mayor

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listed first and alphabetic ordering of boards and commissions. Council liaisons are encouraged to attend, monitor, advise, and witness board and commission meetings. Attendance at board or commission meetings by the council liaison is encouraged but not mandatory. Council liaisons may informally arrange for a council alternate when scheduling conflicts arise.

During a board or commission meeting, the ~~C~~council liaison shall serve a role similar to that of the staff liaison. The primary responsibility for providing information to boardmembers or commissioners belongs to the staff liaison, but the council liaison may provide additional information at the request of the chair when questions fall beyond the scope of staff's expertise. The council liaison may raise points of order when procedural issues arise.

During board or commission meetings, authority resides with the board or commission chair. Council liaisons shall refrain from:

- i. Interfering with the smooth operation of board or commission meetings
- ii. Acting in a manner that undermines the chair's authority
- iii. Participating in policy discussions except when providing factual information at the request of the chair
- iv. Speaking on behalf of the full Council without appropriate authority
- v. Acting as spokesperson for the board or commission.

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

R. Council Subcommittee

A standing subcommittee of three members of City Council shall review all bylaw revisions and other matters relating to boards and commissions. The role of the subcommittee shall be to review the proposed bylaws before consideration for action by the full Council. Subcommittee meetings are subject to Brown Act noticing requirements.

((Adopted: RTC 07-148 (5/1/07); clarity update 9/21/07; Revised by RTC 08-043 (2/12/08) in accordance with Council action on 11/27/07 and 1/29/08; Revised by RTC 08-294 (10/14/08); Revised by RTC 09-047 (2/24/09); Revised by RTC 09-098 (5/12/09); clerical update (5/15/09); Revised by RTC 09-315 (12/15/09); Revised by RTC 10-143 (5/25/10) in accordance with Council action on 3/23/10); Revised by RTC 10-217 (8/31/10); Revised by RTC 10-249 (9/14/10); Revised by Resolution 458-10 (11/9/10); Revised by RTC 11-009 (1/25/11) in accordance with Council action on 12/7/10); Amended: RTC 11-184 (8/23/2011); Amended by Council action (9/13/2011); Amended by Council action (12/6/2011); Revised by RTC 12-010 (2/7/2012); Amended by Council action, Item #5 (5/15/2012); Revised by RTC 15-0401 (4/21/2015); Clarity

Update 6/9/15; Revised by RTC 19-0649 (8/27/19); Revised by RTC 19-1060 (10/29/19))

Lead Department: Office of the City Manager

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions Program.

1. POLICY STATEMENT:

This policy pertains only to Council-appointed boards and commissions. Many of its provisions are rooted in the [City Charter](#), and where any conflict exists between this policy and the City Charter, the City Charter shall prevail.

A. Boards and commissions are created by the City Council for the following general purposes:

- (I) To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and
- (II) To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.
- (III) See also Section 2.I, Duties.

B. Boards and commissions shall not involve themselves in administrative/operational matters or the implementation of Council policy, except as requested by the City Manager or his/her designated staff. (See also Section 2.I., Duties.)

2. BOARD AND COMMISSION BYLAWS

A. The City maintains ten Council-appointed boards and commissions.

As a matter of policy, it serves the public interest to have the greatest possible public access to board and commission meetings. As such, meeting locations for boards and commission shall be selected by staff according to the following guidelines:

- Meeting rooms should be of a size adequate to allow for public participation.
- Boards and Commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.
- Boards and commissions should preferably meet in either the Council Chambers or a large publicly accessible conference room .

- (I) Arts Commission:
This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the arts and the development and promotion of arts programs and activities. Meetings are held on the third Wednesday of each month at 7 p.m.
- (II) Bicycle and Pedestrian Advisory Commission:
This seven-member commission acts in an advisory capacity to the City Council on bicycle and pedestrian issues. Meetings are held on the third Thursday of each month at 6:30 p.m.
- (III) Board of Building Code Appeals:
Formed by Municipal Code Ordinance 1315. This five-member board has final decision-making authority in all appeals related to building construction, including interpretation of building codes. Meetings are held only as necessary, on the third Wednesday of the month at 6 p.m.
- (IV) Board of Library Trustees:
Formed by City Charter Section 1013. This five-member board acts in an advisory capacity to the City Council on library related issues. Meetings are held on the first Monday of each month at 7 p.m. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month.
- (V) Heritage Preservation Commission:
Formed by City Charter Section 1015. This seven-member commission acts in an advisory capacity to the City Council and has certain decision-making authority on the restoration, maintenance and operation of heritage resources throughout the City. Meetings are held on the first Wednesday of every other month beginning in January (and on the first Wednesday of alternate months when needed) at 7 p.m.
- (VI) Housing and Human Services Commission:
This seven-member commission acts in an advisory capacity to the City Council on programs, policies, and other issues regarding housing and human services. Meetings are held on the fourth Wednesday of each month at 7 p.m.
- (VII) Parks and Recreation Commission:
Formed by City Charter Section 1011. This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Meetings are held on the second Wednesday of each month at 7 p.m.

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- (VIII) **Personnel Board:**
Formed by City Charter Section 1007. This five-member board acts in an advisory capacity to the City Council and City Manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m.
- (IX) **Planning Commission:**
Formed by City Charter Section 1009. This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 7p.m.
- (X) **Sustainability Commission:**
This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action Playbook (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m.

B. Eligibility and Membership

- No board or commission members shall hold any paid office or employment in the City Government.
- All persons appointed to a Charter formed Board or Commission shall be registered voters of the City.
- All persons appointed shall maintain their principal place of residence within the City at the time of their appointment (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii) – Sunnyvale residency not required), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii) – Sunnyvale residency not required).
- If at any time during their term any member of a Charter formed board or commission shall cease to be an elector of the City or any member of a board or commission shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii)), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii)).

Spouses, Household Members, and Relatives

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

(I) **Concurrent Service**

No member of any board or commission listed herein, chartered or otherwise, may serve on more than one board or commission at the same time.

(a) Exception:

Members of the Board of Building Code Appeals may serve on another board or commission at the same time.

(II) **Specific membership requirements for charter-related Boards and Commissions are as follows:**

(a) Board of Building Code Appeals:

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. (Source: [*Municipal Code Section 16.08.020*](#))

(b) Personnel Board:

To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee. (Source: *City Charter Section 1007*)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale *in a position which has the right to have a disciplinary matter heard before the Personnel Board.*

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: *City Charter Section 1007*)

(c) Planning Commission:

To be eligible for appointment, each appointee shall not hold any paid office or employment in the City government, *except that the City Manager or his/her designated representative, shall serve as an ex-officio member of the Commission.* (Source: City Charter Section 1009)

(III) Specific membership requirements for non-charter-specified Boards and Commissions are as follows:

(a) Arts Commission:

The members of this commission shall have a demonstrated interest in the arts (such as visual, performing, literary) and in the art programs of the City. It is preferable that the Arts Commission include at least one member with a background in visual arts and at least one member with a background in performing arts.

(b) Bicycle and Pedestrian Advisory Commission:

The members of the commission shall be selected from two categories:

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

(c) Housing and Human Services Commission:

The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues.

(d) Sustainability Commission:

The Sustainability Commission shall be open to individuals with a demonstrated interest in environmental sustainability issues. The members of the commission shall be selected from two categories:

- i. Category One (minimum of three members) shall be Sunnyvale residents.

- ii. Category Two (minimum of one member) shall include members of the Sunnyvale business community. Such members need not be Sunnyvale residents.

(IV) Limitation on Terms

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

All board and commission members are eligible to serve two successive four-year terms on the same board or commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

C. Recruitment

Through the Office of the City Manager, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

D. Appointment

Appointments of board and commission members shall be placed on the agenda at a City Council meeting.

The appointment process will be conducted according to one of the following two methods. In the event that one or more Councilmembers participate via teleconference, voting shall be done using individual candidate votes. Otherwise, the choice of methods is at the discretion of the Mayor on a commission-by-commission basis.

Individual Candidate Votes:

The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes will be appointed. Should no candidate receive at least four

affirmative votes, the vacancy will remain. The process is repeated for each board or commission.

Paper Votes:

The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences. The City Clerk will distribute individual voting sheets to be completed by each Councilmember. The candidate receiving the most votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain.

Resolving ties:

Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor will ask the City Attorney to draw the name of the person to be appointed.

If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

(I) Exception:

(a) Board of Building Code Appeals:

- i. In the event an appeal to be heard by the Board of Building Code Appeals is filed and the board lacks a quorum, the Director of Community Development shall select temporary board member(s) to hear such an appeal. Any temporarily appointed board member(s) shall hear no more than three appeals within 12 months and shall meet all eligibility requirements as described in this policy.

E. Oath of Office

Each board and commission member, before entering upon the discharge of the duties of his/her office, shall sign the City's Model of Excellence (an attachment to the Code of Ethics document) and take, subscribe to, and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." *(Source: City Charter Section 910)*

After taking the Oath of Office and signing the Model of Excellence in the Office of the City Clerk, each board and commission member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled Council meeting.

F. Required Training/Conferences and Disclosure Obligations

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the City Council and/or City Manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or “how to run a meeting” for board and commission chairs).
- (II) Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City’s interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.
- (III) Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

California Government Code Section 87200 (the Political Reform Act) specifically applies to:

- Members of the Planning Commission

The City’s Conflict of Interest Code requires appointees of designated boards and commissions to file Statements of Economic Interests. The City’s Conflict of Interest Code designates members of the following boards and commissions to file Statements of Economic Interests:

- Members of the Arts Commission
- Members of the Board of Building Code Appeals
- Members of the Heritage Preservation Commission
- Members of the Housing and Human Services Commission

G. Officers

- (I) **Selection of Chair and Vice Chair**

Unless otherwise dictated by City Charter, each board and commission shall, within the month of July each year, or during the next regularly scheduled meeting if a July meeting is not otherwise necessary, elect one of its members as presiding officer, to serve commencing after the end of the meeting, upon completion of mandatory chair training and ideally in time to advise staff on the agenda for the next regularly-scheduled meeting. The Board of Building Code Appeals must meet in July to select a chair and vice chair if no meetings are scheduled in the future. The selection of chair and vice chair shall be the last item on the agenda at the scheduled meeting. All boards and commissions shall select their chair and vice chair in accordance with practices and procedures outlined by the Office of the City Clerk.

(II) Chair's Role and Responsibilities

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows Ralph M. Brown Act requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) Ensures that items on the agenda are in alignment with the City Council approved work plan. Should the chair and the staff liaison disagree regarding the agenda, the City Manager shall have final authority subject to appeal to the City Council.
- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.

(III) Vice Chair's Role and Responsibilities

- (a) Attends training in how to be an effective vice chair prior to assuming the role.
- (b) Serves as the presiding officer in the absence of the chair.
- (c) Joins board or commission chairs in meetings with Council in a study session setting on a regular schedule at least annually, per Section G.(II)(h).

H. Meetings, Attendance and Quorums (see also [Council Policy 7.3.8 \(Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings\)](#))**(I) Meetings**

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under *The Standard Code of Parliamentary Procedure, 4th Edition*. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

(II) Attendance

Each member of a City board or commission is expected to attend all regularly scheduled meetings*, and as many special meetings as possible. When a board or commission member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and staff liaison.

The board/commission chair shall, in consultation with the staff liaison, propose that each absence be “excused” or “unexcused.” Each board or commission shall then determine by general consent (or, failing to achieve general consent, by majority vote) their members’ absences from regularly scheduled meetings as excused or unexcused** and shall include that record in official meeting minutes. Absences from special meetings shall be recorded but shall not be classified as “excused” or “unexcused.”

Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any consecutive 12-month period, shall result in that member’s seat being declared vacant by the City Clerk. Any declaration of vacancy based on unexcused absence from more than 25% of all regularly scheduled meetings over any consecutive 12-month period shall be appealable to the City Council. (Declarations based on absence from three consecutive regularly scheduled meetings are Charter-based and are not appealable.)

Board and commission members are responsible for monitoring their own attendance records. Staff shall prepare for the City Council semi-annual reports of all the City’s boards and commissions showing the attendance of each member at both regular and special meetings during the past 12 months. The percent of regularly scheduled meetings attended shall only be shown for board and commission members having been in office at least six months.

Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members.

* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or commission routinely meets. For example, if the Heritage Preservation Commission is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered “regular meetings.” Any other meetings shall be considered special meetings. Regularly scheduled meeting *dates and times* for all boards and commissions shall be posted on the City’s Web site and in the Boards and Commissions Handbook.

** *Excused absences* shall be limited to those which meet both of the following requirements:

- (a) The absent member must have informed the chair and the staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair and the staff liaison prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice), *and*
- (b) The absence is due to one of the following:
 - i A death in the family,
 - ii Personal illness,
 - iii Board or commission-related business,
 - iv Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently and to 10% of regularly scheduled meetings for those meeting more frequently),
 - v Emergency,
 - vi Decision by member’s supervisor in employment or required military service, or
 - vii Federal and State Family leave.

(III) **Quorums**

Boards and commissions have a quorum present when a majority of their total membership is present. “Total membership” means the number of members indicated in Section 2.A (I) through (VIII); i.e., the Planning Commission has a total membership of seven.

(IV) **Majority and Abstentions**

Board and commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present *and* voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results. (*Source: The Standard Code of Parliamentary Procedure, 4th Edition*)

(V) Ad-hoc Committees

Ad-hoc committees may be established as required to facilitate the study of Council-directed or staff-requested initiatives. These committees will be project-specific and will function only for the duration of the project. The creation of an ad-hoc committee must be included on the meeting agenda to allow the board or commission to discuss and take action regarding the creation of the ad-hoc committee.

I. Duties

Aside from obligations related to attendance and training noted elsewhere in this policy, the general duties for all board and commission members are:

(I) General Duties

(a) Work Plans

Each board and commission shall create an Annual Work Plan which is a 12-month calendar of the policy issues the board/commission will be acting on during the year.

(b) Study Issues Process

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

- To advise Council regarding the identification of policy issues to study
- To advise Council on those issues Council has decided to study

Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or commissions, or at the next regular meeting of the respective board or commission.

(c) Budget

Board and commission members have two roles in the budget process:

- To advise Council regarding the identification of budget request
- Provide Council a recommendation regarding the City Manager's recommended budget for content under the purview of their board or commission.

(d) Operational Issues

Upon request by staff, boards and commissions may serve as advisory bodies to staff regarding operational issues.

(II) **Specific Duties**

Boards and Commissions shall focus their work within the scope of the General Duties and Specific Duties as defined, unless conferred upon by the City Council as described in Additional Duties (Section 2.I.III).

(a) Arts Commission:

- i Review those portions of master plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to the City Council.
- ii Review and make recommendations on the Arts Sub-Element of the General Plan.
- iii Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
- iv Make policy recommendations regarding the purchase of art for public buildings and for art in private development in accordance with the Sunnyvale Municipal Code.
- v Study the regional and state Arts Master Plans and make recommendations to the City Council.

(b) Bicycle and Pedestrian Advisory Commission:

- i Recommend priorities for bicycle and pedestrian projects for the annual Transportation Development Act (TDA) Article 3 funding application cycle.
- ii Participate in periodic review and revision of the Active Transportation Plan and Bicycle Map.
- iii Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.

- iv Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
 - v Develop recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
 - vi Review and make recommendations on the applicable sections of the General Plan.
- (c) Board of Building Code Appeals:
- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal. *(Source: Sunnyvale Municipal Code Section [16.08.020](#) and Section [16.16.020](#))*
 - ii Consider and make determinations on appeals of green building requirements made by the Director of Community Development. *(Source: [Sunnyvale Municipal Code Section 19.39.070](#))*
- (d) Board of Library Trustees:
- i Review and make recommendations on the Library section within the Community Character Element of the General Plan.
 - ii Assess community conditions which affect Library goals and policies.
 - iii Review and make recommendations regarding agreements with outside groups and recommend funding allocations.
- (e) Heritage Preservation Commission:
- i Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts. *(Source: City Charter Section 1016)*
 - ii Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance. *(Source: City Charter Section 1016)*
 - iii Decision-making authority on resource alteration permits and landmark alteration permits as well as actions to remove a heritage resource from the list of heritage resources. These decisions are final unless appealed to the City Council.
 - iv Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits.
 - v Recommendations to the City Council on new heritage resource and landmark sites and districts (including buildings, landscapes, and other artifacts that are considered significant in Sunnyvale's history).
 - vi Recommendation to the City Council on Heritage Housing and other heritage zoning districts.
 - vii Participation in the development and promotion of museums and City archives.

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(f) Housing and Human Services Commission:

- i Review and make recommendations on the Housing and Community Revitalization Sub-Element and Socioeconomic Element of the General Plan.
- ii Review proposed funding policies and grant applications by eligible housing and human service* agencies for Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and/or other available funds for public services and/or housing projects, and make funding recommendations to the City Council in response to the proposals received.
- iii Hold public hearings on draft Housing and Urban Development (HUD) Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to the City Council regarding the content of those plans.
- iv In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The Commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the City Council has established an advisory board or commission, unless dual responsibility therefore is explicitly authorized by a City Council-approved Agenda Calendar or work plan.
- v Study, evaluate and recommend policies relating to human rights and human relations issues related to housing and human services* in Sunnyvale.

*Human Services as defined by [Council Policy 5.1.3 \(Human Services\)](#)

(g) Parks and Recreation Commission:

- i Study, evaluate and recommend to the City Council policies relating to parks and recreation activities, such as:
 - Community center use policy
 - Park building use policy
 - Picnic facility use policy
 - License agreements

- ii Review master plan of park development or expansion for adequacy, appearance and other appropriate criteria in an attempt to ensure good design and make recommendations to the City Council.
- iii Review and make recommendations regarding agreements with parks and recreation related outside groups and recommend funding allocations.
- iv Study, evaluate and recommend to the City policies relating to human rights and human relations issues that may arise when addressing issues such as inclusion in the use of City parks and recreation facilities, program accessibility and cultural diversity.

(h) Personnel Board:

- i Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed (terminated), and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom. *(Source: City Charter Section 1008)*
- ii After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations. *(Source: City Charter Section 1008)*
- iii Perform such other duties with reference to personnel administration, not inconsistent with the Charter, as the City Council may require by ordinance. *(Source: City Charter Section 1008)*

(i) Planning Commission:

- i After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City. *(Source: City Charter Section 1010)*
- ii Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance. *(Source: City Charter Section 1010)*
- iii Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled "Planning" of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of the City Charter. *(Source: City Charter Section 1010)*
- iv Decision-making authority on a variety of discretionary land use applications (e.g. use permits, special development permits, variances, specified design reviews, tentative maps and appeals of decisions of the Zoning/Administrative Hearing Officer). These decisions are final unless appealed to the City Council.

COUNCIL POLICY MANUAL

- v Final decision-making authority on appeals of staff decisions on minor land use applications (e.g. Tree Removal Permits, Miscellaneous Plan Permits).
 - vi Provide recommendations to City Council on legislative actions such as zoning code amendments, rezoning of property, amendments to the General Plan, and new and revised specific plans as well as related applications considered at the same time as a legislative action.
 - vii Review and make recommendations on the entire General Plan (all Elements and Sub-elements) as updates and amendments are considered.
 - viii Review and act on environmental documents in compliance with the California Environmental Quality Act (CEQA), when related to any of the above actions.
- (j) Sustainability Commission:
- i. Advise City Council on policy issues addressing sustainability goals.
 - ii. Advise City Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
 - iii. Periodically review policies governing specific practices, such as GreenHouse Gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
 - iv. Advise City Council on ways to drive community awareness, education, and participation in best sustainability practices.
 - v. Review and make recommendations to City Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

(III) Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or by revision to this policy.

J. Interaction with City Council, Public, Staff, and other Board and Commission Members

(I) Staff Support to Board and Commissions

- (a) The City Manager shall appoint a staff liaison to support each board and commission.

(II) Role in Public Communication

- (a) In addition to their role as advisors to the City Council, boards and commissions, as a body, serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link, explaining City programs and recommendations, advocating established City policy and services, as well as providing a forum for public comment during public meetings.

(III) Board and Commission Role Outside of Meetings

- (a) 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 City Council or the board or commission to do so for a particular purpose.
- (b) Private.
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.
- (c) Public.
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 (or his/her designee) 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 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 City 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. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

- (d) Board and Commission Communication and Code of Ethics. 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. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Although a board or commission may disagree with the final decision the City Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the City Council. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Board and commission members shall adhere to the City's Code of Ethics and Conduct for Elected and Appointed Officials. Council conduct with boards and commissions is also covered in the City's Code of Ethics and Conduct for Elected and Appointed Officials.

- (e) Board and Commission Communication with City Council
Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall conduct regular joint meetings with Chairs and Vice Chairs per paragraph G.(II)(h) with the intention to review and improve overall effectiveness of board and commission meetings.

Council shall consider joint study sessions with boards and commissions as warranted.

Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter. (*Source: [General Plan Policy CV-1.3](#)*)

Board and commission members with individual concerns of a non-operational nature may seek guidance in any of the following ways:

- i. Consult with the board/commission chair. If possible, this is the preferred course of action.
- ii. Consult with the Mayor.

- iii. Consult with the Council Liaison to their board/commission or another Councilmember.

When a commission has questions about the commission's duties or the interpretation of Council policy, the commission may direct an inquiry to:

- i. The Mayor.
- ii. The Council Subcommittee on Boards and Commissions.
- iii. The full Council.

When sharing public correspondence with boards and commissions, staff shall be guided by the following principles:

- Facilitate communication of information on policy issues from the public to the boards and commissions
- Adhere to the law and Council policy (the two Council policies that most relate to this issue are: "Outside of official b/c meetings, individual b/c members are not authorized to represent the City or their b/c unless specifically designated by the City Council or the b/c to do so for a particular purpose", and "Boards and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.")
- Treat all the City's boards and commissions equitably
- Provide all boards and commissions the information needed to do their jobs
- Avoid misleading the public
- Utilize staff time efficiently and effectively

K. Recognition

An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of the City Manager, shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time, and will be suitable for the occasion.

L. Resignation/Completion of Term

When a board or commission member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, City Clerk and City Manager, indicating the effective date and the reason(s) for resignation. When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy.

Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

M. Sanctions

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 California Public Records Act. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

(a) Censure

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the City 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 California Public Records Act.

(b) Harassment

The City of Sunnyvale is committed to providing an environment for employees, elected or appointed officials, members of the public, or contractors that promotes dignity and respect and is free from discrimination and harassment. The City maintains a strict policy prohibiting all forms of harassment and discrimination based upon protected classifications as defined below. “Protected Classification” includes race, religion (including religious dress or grooming practice), religious creed, color, sex (includes gender, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding), sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity,

COUNCIL POLICY MANUAL

national origin, ancestry, citizenship status, military and veteran status, marital status, family relationship, age, medical condition, genetic characteristics and/or genetic information, and physical or mental disability.

Any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved. Because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Sunnyvale encourages early reporting of concerns or complaints. Prompt reporting will better enable the City to respond, investigate if necessary, provide an appropriate remedy, and impose discipline if appropriate.

For information or to file a complaint, contact any of the following:

- The City's Human Resources Director, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3001;
- The City's Employee Relations Manager, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3029;
- The City Manager, City Attorney, Assistant City Manager, Deputy City Manager, Department Directors, or other managers.

N. Investigations

When deemed warranted, the Mayor or majority of City 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 City Council. The Mayor or City 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 California Public Records Act.

It shall be the Mayor and/or the City Council's responsibility to determine the next appropriate action. These actions include, but are not limited to: take no further action; discussing and counseling the 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.

O. Removal

The members of each board or commission shall be subject to removal by motion of the City Council approved by at least four affirmative votes, for the following reasons:

- (I) Failure to maintain eligibility requirements
- (II) Failure to take the required Oath of Office
- (III) Failure to complete required training
- (IV) Failure to meet attendance requirements
- (V) Failure to fulfill board or commission duties
- (VI) Failure to adhere to Council policy governing board and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- (VII) Violation of the Code of Ethics and Conduct

P. Administrative Policies

The City Manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.

Q. Council Liaisons to Boards and Commission

The City Council shall appoint one councilmember to serve as a council liaison to each board and commission, except for the Planning Commission, the Personnel Board, and the Board of Building Code Appeals. Appointments shall change every six months, with the roster established annually as part of the City Council intergovernmental relations appointment process. The method of assignment shall be automatic rotation using Council District numbering, with the Mayor listed first and alphabetic ordering of boards and commissions. Council liaisons are encouraged to attend, monitor, advise, and witness board and commission meetings. Attendance at board or commission meetings by the council liaison is encouraged but not mandatory. Council liaisons may informally arrange for a council alternate when scheduling conflicts arise.

During a board or commission meeting, the council liaison shall serve a role similar to that of the staff liaison. The primary responsibility for providing information to boardmembers or commissioners belongs to the staff liaison, but

COUNCIL POLICY MANUAL

the council liaison may provide additional information at the request of the chair when questions fall beyond the scope of staff's expertise. The council liaison may raise points of order when procedural issues arise.

During board or commission meetings, authority resides with the board or commission chair. Council liaisons shall refrain from:

- i. Interfering with the smooth operation of board or commission meetings
- ii. Acting in a manner that undermines the chair's authority
- iii. Participating in policy discussions except when providing factual information at the request of the chair
- iv. Speaking on behalf of the full Council without appropriate authority
- v. Acting as spokesperson for the board or commission.

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

R. Council Subcommittee

A standing subcommittee of three members of City Council shall review all bylaw revisions and other matters relating to boards and commissions. The role of the subcommittee shall be to review the proposed bylaws before consideration for action by the full Council. Subcommittee meetings are subject to Brown Act noticing requirements.

((Adopted: RTC 07-148 (5/1/07); clarity update 9/21/07; Revised by RTC 08-043 (2/12/08) in accordance with Council action on 11/27/07 and 1/29/08; Revised by RTC 08-294 (10/14/08); Revised by RTC 09-047 (2/24/09); Revised by RTC 09-098 (5/12/09); clerical update (5/15/09); Revised by RTC 09-315 (12/15/09); Revised by RTC 10-143 (5/25/10) in accordance with Council action on 3/23/10; Revised by RTC 10-217 (8/31/10); Revised by RTC 10-249 (9/14/10); Revised by Resolution 458-10 (11/9/10); Revised by RTC 11-009 (1/25/11) in accordance with Council action on 12/7/10; Amended: RTC 11-184 (8/23/2011); Amended by Council action (9/13/2011); Amended by Council action (12/6/2011); Revised by RTC 12-010 (2/7/2012); Amended by Council action, Item #5 (5/15/2012); Revised by RTC 15-0401 (4/21/2015); Clarity Update 6/9/15; Revised by RTC 19-0649 (8/27/19); Revised by RTC 19-1060 (10/29/19))

Lead Department: Office of the City Manager



City of Sunnyvale

Agenda Item

21-0911

Agenda Date: 10/7/2021

REPORT TO COUNCIL

SUBJECT

Discussion and Possible Recommendation to the City Council Regarding Amendments to 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. Code of Ethics and Conduct-Draft Updates-Redlines
2. Code of Ethics and Conduct-Draft Updates-Clean



City of Sunnyvale

DRAFT

**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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Commented [DC1]: Staff suggestion.

For ease of reference in the Code of Ethics and Conduct, the term "~~M~~member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

Ethics

Policy Purpose

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

A. ETHICS

The citizens and businesses of Sunnyvale are entitled to ~~have~~ fair, ethical and accountable local government ~~which will instill public confidence in the fair operation and integrity of Sunnyvale's City government which has earned the public's full confidence for integrity.~~ In keeping with the City of Sunnyvale's Commitment to Excellence ~~and the City Council's commitment to the ethical values while representing its residents and community,~~ the effective functioning of democratic government ~~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 ~~permitted to be conducted in a closed session under the Ralph M. Brown Act~~ confidential, in an atmosphere of respect and civility.
- ~~Public officials, both elected and appointed, act in a transparent manner to enable the public to obtain information about public official activities and the decision-making process.~~

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

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

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Commented [DC8]: Staff suggestion.

Ethics

conduct, personal charges, or verbal attacks upon the character or motives of other members of Council, boards and commissions, ~~the~~ staff or ~~the~~ 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.~~
5. **Conduct of Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** Members shall ~~verbally publicly~~ disclose any contact or receipt of substantive information they have received outside of the public decision-making process that is relevant to a matter under consideration by the Council or boards and commissions prior to considering that matter so that all parties have the opportunity to respond to that information, 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 their public office to access services or opportunities for personal gain, ~~by virtue of their public office,~~ that are not available to the ~~public in general~~ general public. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise or appear to compromise their independence of judgment or action ~~or give the appearance of being compromised.~~
10. **Confidential Information.** Members shall respect the confidentiality of information concerning ~~the certain negotiations (e.g., labor and real property), personnel matters, claims and litigation or affairs of the City in order to avoid prejudicing the legal or negotiating position of the City or compromise the private interest of employees.~~ They shall neither disclose confidential information without proper City Council legal authorization, nor use such information to advance their personal ~~private~~, financial, or other ~~private~~ interests.
11. **Use of Public Resources.** Members shall not use public resources not available to the general public ~~in general~~, such as City staff time, vehicles, equipment, supplies, land or facilities, for private gain or political or personal purposes.

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For ease of reference in the Code of Ethics and Conduct, the term "~~M~~member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

Ethics

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 subject matter jurisdiction 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 authorized to do so 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. Councilmembers and board and commission members have the right to endorse candidates for City at Council or Mayor seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings or other governmental meetings where the member is serving in their capacity as an elected or appointed official.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter Section 500 (Form of Government). In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff, ~~nor 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 actions/outputs of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive ~~work place~~ workplace environment for City employees and for citizens-residents and businesses dealing with the City. Members shall recognize-direct their requests of staff pertaining to their elected or appointed special role to the appropriate staff liaison or in the case of Councilmembers, to the City Manager in dealings with City employees to in no way create the perception of inappropriate direction to staff.

Commented [DC14]: Staff suggestion.

Commented [RM15]: In recent years, commission members running for Council have made comments about their campaigns at City Council. This section should be updated to indicate that this is permissible.

Commented [DC16]: Staff suggestion.

Commented [DC17]: Staff suggestion.

Commented [DC18]: Staff suggests clarifying the intent of this language.

Commented [DC19]: Staff suggestion.

Commented [DC20]: Staff suggestions.

Commented [DC21]: Staff suggestions.

Commented [RM22]: awkward

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.

Glossary of Terms / Implementation

B. CONDUCT

The ~~Conduct section of the City's Code of Ethics and Conduct~~ is section is designed to describe the manner in which ~~Councilmembers and board and commission m~~ Members should treat one another, City staff, constituents, and others they come into contact with ~~in when~~ 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.

Commented [DC23]: Staff suggestion.

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

Commented [DC25]: Staff suggestion.

Commented [DC26]: Staff suggestion.

Commented [DC27]: Staff suggestion.

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*

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

Commented [DC28]: Staff suggestion.

1(a). In Public Meetings

Use formal titles

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

Commented [DC29]: Staff suggestion.

Practice civility and decorum in discussions and debate

~~Free c~~ Criticism is an essential component ~~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 of democracy.~~ This does not ~~allow, however, however, allow;~~ 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.

Commented [DC30]: Staff suggestion.

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 discussions on current agenda items. If there is

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disagreement about the agenda or the chair's actions, ~~those objections should be voiced politely and with reason, following~~ members should follow procedures outlined in parliamentary procedure to voice their objections politely.

Avoid personal comments that could offend other members

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

Demonstrate effective problem-solving approaches

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

Representing the Body

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

~~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 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**

For ease of reference in the Code of Ethics and Conduct, the term "~~M~~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.

Commented [D31]: Remove per Council Subcommittee.

Commented [RM32]: all of this pertains to procedure, not ethics.

Commented [DC33R32]: Language is largely duplicated in Council Policy 7.2.19 (Boards and Commissions) – Remove

Commented [D34]: Remove per Council Subcommittee

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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~~ posted to Twitter? How would you feel if this voicemail message were ~~played on a speaker phone in a full office~~ uploaded to YouTube? What would happen if this ~~E-mail message were gets~~ forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

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

Commented [DC35]: Staff suggestion.

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 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.~~ Treat city staff with respect. 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~~

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~~these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected or appointed 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 staff?").~~

~~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 eCity mManager, or to the eCity aAttorney, 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 eCity mManager (or eCity aAttorney 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 Ceity Mmanager, the eCity Attorney as appropriate and affected department directors.~~

~~5. Meeting Requests. Any member request for a meeting with staff must be directed to the Ceity Mmanager or eCity aAttorney, 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 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~~Public 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, could~~ intimidates staff; and hampers ~~staff's-their~~ ability to do their job objectively.

Never publicly criticize an individual employee

~~Elected and appointed~~Public officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the eCity mManager ~~through private correspondence or~~

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Commented [RM36]: This is purely procedural, and does not bear upon ethics at all. It should be split to a separate policy.

Commented [DC37R36]: Consider moving to Council Policy 7.2.19 (Boards and Commissions)

Commented [D38]: Remove per Council Subcommittee

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~~conversation privately~~. Comments about staff in the ~~office of the eCity a~~ttorney's ~~e~~Office should be made directly to the eCity ~~a~~ttorney. Appointed officials should make their comments regarding staff to the eCity ~~m~~anager or the Mayor.

Do not get involved in administrative functions

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

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized under the City's 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 eCity mManager 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 eCity Mmanager 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~~Public officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and outside of the employee's work hours.

3. Elected and Appointed Officials' Conduct with the Public

~~"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.

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Commented [RM39]: Again, this is not about ethics.

Commented [DC40R39]: Duplicates in Council Policy 7.4.1 (Provision of Staff/Administrative Support to Councilmembers) – Consider removal.

Commented [D41]: Remove per Council Subcommittee

Commented [DC42]: Staff suggestion.

Commented [DC43]: Staff suggestion.

Commented [DC44]: Staff suggestion.

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Be welcoming to speakers and treat them with ~~care and gentleness~~ respect and professionalism. 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."

Commented [DC45]: Staff suggestion.

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 additional time~~. 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.

Commented [DC46]: Staff suggestion.

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

Commented [DC47]: Staff suggestion.

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

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of ~~public elected and appointed~~ officials. To express an opinion ~~or pass judgment~~ prior to the close of a public hearing casts doubt on ~~a member the body's ability to conduct a fair review of the issue~~ fairness. This is particularly important when officials are serving in a quasi-judicial capacity.

Commented [DC48]: Staff suggestion.

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.

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

Follow parliamentary procedure in conducting public meetings

The ~~e~~City ~~a~~Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The ~~Mayor or e~~Chair, subject to the appeal of the full City 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~~ members. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise ~~that~~ City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other members

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

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

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

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

One key responsibility involves "ex parte" communications. Ex parte is a Latin phrase that literally means "from one party." Generally, it is defined as any oral or written communication with a decisionmaker about the subject matter of an upcoming quasi-

Commented [DC49]: Staff suggests adding language pertaining to Ex-parte Communications to the Code of Conduct or in a separate document.

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judicial proceeding, which takes place outside of a noticed hearing that is open to all parties to the matter. An ex parte communication can include sensory information, such as things that are seen or heard during a site visit.

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

When participating in a public hearing on a quasi-judicial matter, Members will disclose any ex parte communications that have significantly influenced their preliminary views or opinions about the matter that is the subject of the hearing. The disclosure should state the nature of the communication (e.g., whether it was oral, written, or sensory), and should explain the substance of the communication so that other Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Member and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed a sufficient basis for a request to continue the hearing. An ex parte communication is not grounds to disqualify a Member from participation in a quasi-judicial hearing unless the Member feels that they cannot reach an impartial decision.

Commented [DC50]: Staff requests the Subcommittee consider this language and the Current and Alternative language proposed below.

Current language in Code of Conduct:

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.

Alternative language for consideration:

When participating in a public hearing on a quasi-judicial matter, Members will disclose any ex parte communications that have significant information about the matter that is the subject of the hearing.

45. ~~Council Conduct with When Serving on Intergovernmental Assignments~~ ~~Other Public Agencies~~

Commented [DC51]: Consider updated heading language.

*~~“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.

Commented [RM52]: Hasn't this been covered??

~~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.~~

Commented [RM53]: This has nothing to do with other agencies, and is important enough it should be called out in bold flashing letters

Commented [D54]: Remove per Council Subcommittee.

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

Commented [DC55]: Staff suggestion.

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

Commented [DC56]: Staff suggestion.

65. 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—Residents~~ who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

Commented [DC57]: Staff suggestion.

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

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

Limit ~~contact with board and commission members~~ participation to questions of clarification

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 or City Council.

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

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

Commented [RM58]: Put this in flashing letters

Be respectful of diverse opinions

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

Commented [DC59]: Staff suggestion.

Keep political support away from public forums

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

Commented [DC60]: Staff suggestion.

76. Elected and Appointed Officials' Conduct with the Media

Commented [DC61]: Staff suggestion.

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

Commented [DC62]: Staff suggestion.

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*

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Model of Excellence

City Councilmembers, ~~B~~board and ~~C~~ommission ~~M~~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~~ Public Officials

City Councilmembers, ~~B~~board and ~~C~~ommission ~~M~~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.

Commented [RM63]: Heading does not agree with Body

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers meeting room.

Commented [DC64]: Staff suggestion.

Inappropriate Staff Behavior

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

Commented [DC65]: Staff suggestion.

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

Commented [DC66]: Staff suggestion.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority and/or committee assignments (both ~~within the City of Sunnyvale or with internal and~~ inter-government ~~agencies~~) and/or have official travel restricted. 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.

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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 eCity eClerk, the eCity aAttorney, the eCity mManager, 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 California 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 eCity aAttorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the California 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 eCity mManager or eCity aAttorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the eCity mManager and/or the eCity aAttorney 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 California 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 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.~~

For ease of reference in the Code of Ethics and Conduct, the term "~~M~~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.

Glossary of Terms / Implementation

~~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?~~
- ~~○ 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?~~

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Commented [RM67]: Again, this is procedural. It's enough to say that Board and Commission members may be reprimanded or sacked.

Commented [DC68R67]: Content duplicated in Council Policy 7.2.19 (Boards and Commissions) – Consider removal.

Commented [D69]: Remove per Council Subcommittee

Glossary of Terms / Implementation

- 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?

Commented [D70]: Remove per Council Subcommittee

FD. GLOSSARY OF TERMS

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

GE. IMPLEMENTATION

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

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

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Lead Department: Office of the City Manager

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[Glossary of Terms / Implementation](#)

APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

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

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

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

Signature

Date

Name

Office/Meeting Body

Commented [DC71]: Staff suggestion.

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City of Sunnyvale
DRAFT
**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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Ethics

Policy Purpose

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

A. ETHICS

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

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

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

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

Ethics

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

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Ethics

private interests of third parties on matters related to the subject matter jurisdiction of their bodies.

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

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Glossary of Terms / Implementation

B. CONDUCT

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

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

1. Elected and Appointed Officials' Conduct with One Another

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

1(a). In Public Meetings

Use formal titles

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

Practice civility and decorum in discussions and debate

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

Honor the role of the chair in maintaining order

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

Avoid personal comments that could offend other members

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

Demonstrate effective problem-solving approaches

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

Representing the Body

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.

Glossary of Terms / Implementation

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

1(b). In Private Encounters

Continue respectful behavior in private

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

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

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

Even private conversations can have a public presence

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

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

2. Elected and Appointed Officials' Conduct with City Staff

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

Treat all staff as professionals

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

Do not disrupt City staff from their jobs

Public officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions. Do not attend City staff meetings unless requested by staff – even if the official does not say anything, his or her presence could intimidate staff and hampers their ability to do their job objectively.

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Glossary of Terms / Implementation

Never publicly criticize an individual employee

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

Do not get involved in administrative functions

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

Check with City staff on correspondence before taking action

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

Do not solicit political support from staff

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

3. Elected and Appointed Officials' Conduct with the Public

3(a). In Public Meetings

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

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

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

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

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Glossary of Terms / Implementation

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

Give the appearance of active listening

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

Maintain an open mind

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

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

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

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

No personal attacks of any kind, under any circumstance

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

Follow parliamentary procedure in conducting public meetings

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

3(b). In Unofficial Settings

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

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

Make no personal comments about other members

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

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Glossary of Terms / Implementation

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

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

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

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

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

When participating in a public hearing on a quasi-judicial matter, Members will disclose any ex parte communications that have significantly influenced their preliminary views or opinions about the matter that is the subject of the hearing. The disclosure should state the nature of the communication (e.g., whether it was oral, written, or sensory), and should explain the substance of the communication so that other Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Member and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed a sufficient basis for a request to continue the hearing. An ex parte communication is not grounds to disqualify a Member from participation in a quasi-judicial hearing unless the Member feels that they cannot reach an impartial decision.

Staff requests the Subcommittee consider this language and the Current and Alternative language proposed below.

Current language in Code of Conduct:

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.

Alternative language for consideration:

When participating in a public hearing on a quasi-judicial matter, Members will disclose any ex parte communications that have significant information about the matter that is the subject of the hearing.

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Glossary of Terms / Implementation

5. Council Conduct When Serving on Intergovernmental Assignments

Be clear about representing the City or personal interests

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

Correspondence also should be equally clear about representation

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

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

6. Council Conduct with Boards and Commissions

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

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

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

Limit participation to questions of clarification

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

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

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

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

Be respectful of diverse opinions

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

Keep political support away from public forums

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

7. Elected and Appointed Officials' Conduct with the Media

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

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

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

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

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

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

Choose words carefully and cautiously

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

C. SANCTIONS

Model of Excellence

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

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Ethics Training for Public Officials

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

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers/meeting room.

Inappropriate Staff Behavior

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

Members Behavior and Conduct

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

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

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

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

D. GLOSSARY OF TERMS

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy

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

E. IMPLEMENTATION

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

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

Lead Department: Office of the City Manager

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APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

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

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

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

Signature

Date

Name

Office/Meeting Body

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