



# City of Sunnyvale

## Notice and Agenda Housing and Human Services Commission

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Wednesday, November 17, 2021

7:00 PM

Telepresence Meeting: City Web Stream

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Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/92867949471>

### Special Teleconference Notice

*Because of the COVID-19 emergency and the health orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Housing and Human Services Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution 1089-21.*

### Public Participation

- *Watch the Housing and Human Services Commission meeting at: <http://youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the Housing and Human Services Commission up to 4 hours prior to the meeting to [HousingHumanServices@sunnyvale.ca.gov](mailto:HousingHumanServices@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/92867949471>*

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

### Accessibility/Americans with Disabilities Act (ADA) Notice

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

## **CALL TO ORDER**

*Call to Order via teleconference.*

## **ROLL CALL**

## **PRESENTATION**

[21-1078](#) PRESENTATION - Introduction and Overview of Fire Prevention

## **ORAL COMMUNICATIONS**

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

## **CONSENT CALENDAR**

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

1.A [21-1074](#) Approve the Housing and Human Services Commission Meeting Minutes of September 22, 2021

**Recommendation:** Approve the Housing and Human Services Commission Minutes of September 22, 2021 as submitted.

1.B [21-1072](#) Approve 2022 Draft Master Work Plan

**Recommendation:** Approve 2022 Draft Master Work Plan as submitted

**PUBLIC HEARINGS/GENERAL BUSINESS**

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

- 2      [21-1068](#)      Review Draft Request for Proposals for FY 2022/23 CDBG Capital Projects and 2022-2024 HOME Tenant Based Rental Assistance Funding

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

- 3      [21-1073](#)      Annual Review of the City Code of Ethics and Conduct

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

[21-1075](#)      Consideration of Potential Study Issues

[21-1077](#)      Housing Element Update

**NON-AGENDA ITEMS & COMMENTS**

-Commissioner Comments

-Staff Comments

**INFORMATION ONLY REPORTS/ITEMS**

[21-1076](#)      Housing and Human Services Commission Proposed Study Issues, Calendar Year: 2022

**ADJOURNMENT**

*Notice to the Public:*

*Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the evening of the Housing and Human Services Commission Meeting, pursuant to Government Code §54957.5.*

*Agenda information is available by contacting Edith Alanis at 408-730-7254 or ealanis@sunnyvale.ca.gov. Agendas and associated reports are also available on the City's website at sunnyvale.ca.gov or at the One-Stop Desk, City Hall, 456 W. Olive Ave., Sunnyvale, CA, 72 hours before the Meeting.*



# City of Sunnyvale

## Agenda Item

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**21-1078**

**Agenda Date: 11/17/2021**

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PRESENTATION - Introduction and Overview of Fire Prevention



# City of Sunnyvale

## Agenda Item

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21-1074

Agenda Date: 11/17/2021

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### **SUBJECT**

Approve the Housing and Human Services Commission Meeting Minutes of September 22, 2021

### **RECOMMENDATION**

Approve the Housing and Human Services Commission Minutes of September 22, 2021 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft Housing and Human Services Commission

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Wednesday, September 22, 2021

7:00 PM

Telepresence Meeting: City Web Stream

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### TELECONFERENCE NOTICE

#### CALL TO ORDER

Chair Stetson called the meeting to order at 7 p.m.

#### ROLL CALL

**Present:** 6 - Chair Elinor Stetson  
Vice Chair Linda Sell  
Commissioner Ken Hiremath  
Commissioner Jim Davis  
Commissioner Scott Duncan  
Commissioner Leesa Riviere

**Absent:** 1 - Commissioner Emily White

**Commissioner Emily White (unexcused absence)**  
**Council Liaison Omar Din (absent)**

#### ORAL COMMUNICATIONS

None.

#### CONSENT CALENDAR

**1.A**     [21-0909](#)     Approve the Housing and Human Services Commission Meeting Minutes of July 28, 2021

Chair Stetson asked for a motion or discussion on the Consent Calendar item.

MOTION: Commissioner Davis moved and Commissioner Hiremath seconded the motion to Approve the Housing and Human Services Commission Minutes of July 28, 2021.

The motion carried by the following vote:

**Yes:** 6 - Chair Stetson  
Vice Chair Sell  
Commissioner Hiremath  
Commissioner Davis  
Commissioner Duncan  
Commissioner Riviere

**No:** 0

**Absent:** 1 - Commissioner White

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [21-0913](#)      Review of 2020/21 Consolidated Annual Performance  
Evaluation Report (CAPER)

Housing Programs Analyst, Leif Christiansen gave the staff report and answered questions from the commissioners.

Chair Stetson opened and closed the public hearing at 7:45 p.m.  
No members of the public asked to speak.

After additional discussion and clarifying questions of staff, Chair Stetson asked for a motion.

MOTION: Commissioner Davis moved and Commissioner Riviere seconded the motion to recommend Alternative 1: Approve the draft CAPER as presented in Attachment 1 to the report.

The motion carried by the following vote:

**Yes:** 6 - Chair Stetson  
Vice Chair Sell  
Commissioner Hiremath  
Commissioner Davis  
Commissioner Duncan  
Commissioner Riviere

**No:** 0

**Absent:** 1 - Commissioner White

**STANDING ITEMS**

[21-0929](#)      Consideration of Potential Study Issues

None.

[21-0928](#) Housing Element Update

Housing Officer Jenny Carloni gave a short overview of the timeline, from kickoff in September until approximately January 2023 when it will be ready for approval. She noted that this will be a standing item on the Commission's agenda to give regular progress reports. She also advised the commissioners that staff would be polling their availability for a Joint Housing Element Study Session with the Planning Commission on December 13.

**NON-AGENDA ITEMS & COMMENTS**

**-Commissioner Comments**

Commissioner Duncan asked for an update on the right-to-lease ordinance. Staff noted that the goal is to have it done by the end of the fiscal year.

Vice Chair Sell asked for an update on the Mobile Home Park MOU. Staff noted that MOUs had been mailed out to all the park owners.

**-Staff Comments**

None.

**INFORMATION ONLY REPORTS/ITEMS**

[21-0910](#) Housing and Human Services Commission Proposed Study  
Issues, Calendar Year: 2022

**ADJOURNMENT**

Chair Stetson adjourned the meeting at 8:09 p.m.



Sunnyvale

# City of Sunnyvale

## Agenda Item

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21-1072

Agenda Date: 11/17/2021

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Approve 2022 Draft Master Work Plan

**RECOMMENDATION**

Approve 2022 Draft Master Work Plan as submitted

# 2022 Draft Master Work Plan

## Housing and Human Services Commission Annual Calendar

MEETING DATE	AGENDA ITEM/ISSUE
January 26	<ul style="list-style-type: none"> <li>• Presentation: General Plan Update - Air Quality/Noise/Environmental Justice</li> <li>• Rank Study Issues by January 31</li> </ul>
<i>February 23</i>	
March 23	<ul style="list-style-type: none"> <li>• Presentations: CDBG &amp; TBRA Funding Proposals</li> <li>• Public Hearing: CDBG/HOME Funding Recommendations</li> </ul>
April 20*	<ul style="list-style-type: none"> <li>• Public Hearing: Draft FY 2022/23 HUD Action Plan</li> </ul>
May 25	<ul style="list-style-type: none"> <li>• Review Recommended Budget</li> <li>• Tentative Public Hearing: Consideration of Right to Lease Ordinance</li> <li>• Tentative Public Hearing: Consider Assessment of Fair Housing (AFH) Plan</li> </ul>
<i>June 22</i>	<ul style="list-style-type: none"> <li>• Presentation: Recognition of Service</li> </ul>
July 27	<ul style="list-style-type: none"> <li>• Election of Chair and Vice Chair for FY 2022/23</li> </ul>
<i>August 24</i>	
September 21*	<ul style="list-style-type: none"> <li>• Public Hearing: Review of Consolidated Annual Performance Evaluation Report (CAPER)</li> <li>• Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials</li> <li>• Tentative Public Hearing: Housing Mitigation Fund NOFA Awards</li> </ul>
October 26	<ul style="list-style-type: none"> <li>• Public Hearing: Priority and Unmet Needs for Human Services and Recommendation to Council</li> </ul>
November 16*	<ul style="list-style-type: none"> <li>• Review Draft Request for Proposals for CDBG and HOME Funding</li> <li>• Final Month to Recommend Study Issues</li> <li>• Public Hearing: Draft Housing Element</li> <li>• Approve 2023 Master Work Plan</li> </ul>
<i>December 14*</i>	<ul style="list-style-type: none"> <li>• Final Month to Approve 2023 Master Work Plan</li> <li>• Final Month for Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials</li> </ul>

\* **Special Meetings**

**Additional items yet to be scheduled:**

- Other Housing Strategy Implementation Projects
- Any Alternative Compliance Plans
- Consent Calendar items are not listed on the Work Plan
- Study Issues ranking date to be determined based on 2022 Study Issues Workshop date



# City of Sunnyvale

## Agenda Item

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21-1068

Agenda Date: 11/17/2021

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### **SUBJECT**

Review Draft Request for Proposals for FY 2022/23 CDBG Capital Projects and 2022-2024 HOME Tenant Based Rental Assistance Funding

### **BACKGROUND**

The City of Sunnyvale receives annual entitlement grants of CDBG and HOME funds from the U.S. Department of Housing and Urban Development (HUD), as well as “program income” from loan repayments. Each year the City solicits proposals from local organizations to use a portion of these funds to provide eligible housing and community development services or projects to the Sunnyvale community. The Requests for Proposals (RFP) set forth the types projects that are eligible for CDBG or HOME funding from the City, and explains the City’s process for evaluating and scoring proposals, determining award amounts, and approving of the awards.

The City anticipates receiving a CDBG grant of approximately \$1 million and a HOME grant of approximately \$400,000 from HUD, subject to federal appropriations, for Program Year 2022. The RFPs that the City will issue in December are as follows:

- FY 2022/23 CDBG Capital projects, in the amount of approximately \$750,000.
- FY 2022/23 and FY 2023/24 HOME Tenant Based Rental Assistance (TBRA) Administrator in the amount approximately \$2 million. These funds represent a collection of Program Income, Entitlement, and American Rescue Plan funding allocations.

It is important to note that the HOME TBRA RFP is a new RFP process that the City is offering for the first time. Traditionally, the City simply includes HOME funds with our CDBG Capital Project RFP and our existing TBRA operator, Abode Services, applies for sufficient funds to carry the program through another fiscal year. However, due to the increase in program income and the one time allocation of American Rescue Plan funding, the City is looking to expand our existing TBRA program for at least the next two years. This is a competitive RFP and we welcome any TBRA program administrators to apply.

The actual amount of funding available for FY 2022 may be significantly more or less than these estimates, depending on federal appropriations and the City’s receipt of program income during the remainder of the current year. Staff expects to have a more accurate estimate of available funding when final award amounts are proposed in March.

The City will release the RFP on December 15, 2021, as shown on the timeline on the following page. The deadline to submit proposals and planned public hearing dates are also shown on the timeline below. All dates are subject to change.

APPLICATION TIMELINE\* FOR FISCAL YEAR 2022/23  
CDBG/HOME FUNDING CYCLE

\* Dates are subject to change. Please contact Housing staff to confirm dates.

RFP Issuance	December 15, 2021
Deadline for submission of applications (4:30 p.m.)	February 11, 2022
Housing & Human Services Commission Meeting: Public Hearing; Commission recommendations on human services and capital/housing projects funding <i>HHSC will receive presentations from grantees during this meeting.</i>	March 23, 2022
Housing & Human Services Commission Meeting: Public Hearing on FY 2022/23 Action Plan	April 27, 2022
City Council approval of Action Plan (tentative date)	May 3, 2022

Staff recommendation:

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

Prepared by: Leif Christiansen, Housing Programs Analyst

Approved by Jenny Carloni, Housing Officer

**ATTACHMENTS**

1. CDBG Capital Projects RFP
2. HOME Tenant Based Rental Assistance RFP



Sunnyvale

## **Community Development Block Grant (CDBG)**

# **Request for Proposals for Capital and Affordable Housing Projects for Program Year 2022**

Release Date:  
Dec. 15, 2021

Proposals Due on:  
Feb.11, 2022, by 4:30 p.m.

Community Development Department, Housing Division  
408-730-7250 | [Sunnyvale.ca.gov](http://Sunnyvale.ca.gov)

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



## I. Background

### What is CDBG?

The Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the CDBG program is the development of viable urban communities through the provision of decent housing, a suitable living environment, and expanded economic opportunity, principally for lower<sup>1</sup> income persons and neighborhoods.

### CDBG National Objectives

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

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

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

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

## II. RFP Objectives

### A. Available Funds

The City of Sunnyvale anticipates receiving a CDBG grant from HUD for Program Year 2022. The amount of that grant is currently unknown. Some of the grant is typically allocated to public services and other activities funded outside of this RFP. This RFP seeks to award available CDBG funds, including program income, to eligible projects, as described below, for completion in FY 2022/23. The amount of funding available is not known at this time, however the City estimates approximately \$730,000 in CDBG. No HOME funds are being made available through this year's RFP. Please see the City's HOME Tenant Based Rental Assistance (TBRA) RFP for the City's HOME allocation. Proposals may request awards of higher amounts to be funded on a contingency basis if funds become available before the final awards are made. Capital project proposals must be at least \$100,000, with applicants providing additional funds to the project from other sources (match). The award amounts are based on the project's identified funding gap, availability of the requested funding type, project merits, and the number of eligible proposals received. Funds for CDBG and capital projects are provided in the form of a loan secured by the real property to be improved. A very limited number of CDBG projects not involving improvements to real property may be funded in the form of a grant, such as activities by community-based development organizations (CBDOs) located in Sunnyvale. Local Community Housing Development Organizations (CHDOs) are encouraged to apply for HOME CHDO funds.

### B. Eligible Applicants

Applicants must be non-profit organizations with current, IRS-recognized non-profit status, including public agencies, and must provide current documentation of such status in applications.

### C. Eligible Projects

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

1. Acquisition of real property for an eligible community facility or affordable housing use;
2. Public facilities and improvements (e.g., community centers, neighborhood improvements, shelters);
3. Property clearance/demolition;
4. Housing rehabilitation;
5. Removal of architectural barriers;
6. Community-Based Development Organization (CBDO) activities (job training, placement, employment support) described in CFR §570.204(a)(2).
7. **ALL FUNDS MUST BE SPENT BY APRIL 1, 2023.**

### D. Ineligible Activities

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

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

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

#### **E. Matching Funds (Leverage)**

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

At least half of the matching funds counted toward a proposal shall consist of enforceable commitments of real dollars (i.e., not in-kind services) which are either currently available to the applicant for project use, and/or evidenced by an irrevocable, written commitment of funds to the project (may be conditioned upon applicant's award of City 2022 CDBG funds) signed by the funding agency or donor. Signed commitments for all matching funds must be provided in application in order to be counted as match for scoring and evaluation purposes.

Matching funds must be permanently contributed to the project, and are subject to CDBG program income, reversion of assets, and/or reuse requirements. If a project is awarded City funds, all matching funds will be considered part of the CDBG or HOME project budget, and will become equally subject to all federal requirements applicable to the project, such as Davis- Bacon prevailing wages, federal environmental review, and equal opportunity requirements.

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

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

#### **G. Compliance with Federal, State, and City Requirements**

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

City of Sunnyvale  
Request for Proposals for Capital and Housing Projects for FY 2022/23

CDBG funds to the federal Treasury.

### III. Application Submittal and Review Process

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

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

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

#### A. Application Submittal

1. City staff will provide written answers to written questions on an ongoing basis. Answers will be directly answered within 24-hours. **Submit questions to Leif Christiansen at: [lchristiansen@sunnyvale.ca.gov](mailto:lchristiansen@sunnyvale.ca.gov)**
2. Original **must** be signed in **blue** ink.
3. Submit the full application, including all required signatures, via email, to [lchristiansen@sunnyvale.ca.gov](mailto:lchristiansen@sunnyvale.ca.gov)
4. Submit one hard-copy original in the mail, including wet signatures, to the address below.
5. Proposals must be received via email by the Housing Division by 4:30 p.m. on February 11, 2022.

City of Sunnyvale  
Attn: Leif Christiansen  
**456 West Olive Avenue,  
Sunnyvale, CA 94088-3707**

**Application Deadline: 4:30 PM (PST) on Feb. 11, 2022**

Contact Leif Christiansen for questions (408-730-7451)

## **A. Application Review Process**

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

1. Staff will review all applications received to verify that:
  - a) The applicant is eligible to submit a proposal through this RFP;
  - b) The application is complete;
  - c) The project is eligible for the requested type of funds (CDBG), as determined by HUD guidelines and regulations; and
  - d) The proposed project meets the City requirements, project types, and objectives set forth in this RFP.
  - e) The project has the ability to be completed with all funds spent by April 1, 2023.

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

2. The Housing and Human Services Commission will review the eligible applications received, as well as staff scores and recommended funding amounts. The Commission will hold a public hearing on the proposed projects, and will evaluate the merits of the proposals and community need for each project, considering the priority needs identified in the Consolidated Plan, public comments received, staff recommendations, and related information. The Commission will make a funding recommendation on each proposal. The Commission's recommended funding awards will be presented to the City Council for final approval as part of the draft 2022-23 Action Plan. City Council will hold a public hearing on the Action Plan, including proposed project awards, before adopting the Action Plan in May 2022. Project funding awards will also be included in the City's 2022 Projects Budget, to be adopted in June.
3. Public input on the Action Plan is obtained through the public hearing process and acceptance of written comments during the comment period. Notices are published in accordance with the City's Citizen Participation Plan. The City Council approves the Annual Action Plan by resolution following the citizen comment period. Each applicant will be notified in writing regarding their funding application. Final approval of the Action Plan is made by HUD, usually in July.
4. Public input on the Action Plan is obtained through the public hearing process and

City of Sunnyvale  
Request for Proposals for Capital and Housing Projects for FY 2022/23

acceptance of written comments during the comment period. Notices are published in accordance with the City's Citizen Participation Plan. The City Council approves the Annual Action Plan by resolution following the citizen comment period. Each applicant will be notified in writing regarding their funding application. Final approval of the Action Plan is made by HUD, usually in July.

5. Project Scoring: Proposals will be evaluated by staff using the following criteria, with points awarded up to the following maximum points per criteria (on the following page):

<b>Scoring Category</b>	<b>Maximum Points</b>
<p><b>1. Organizational Capacity and Relevant Experience</b> Organization's staff, board and/or volunteers are well qualified to complete and operate project, considering years of experience, appropriate skill sets, professional certifications, and number of similar projects completed. Any prior CDBG/HOME capital projects in the City have been successfully completed, with funds drawn and no outstanding compliance findings.</p>	20
<p><b>2. Project Need</b> Project clearly meets one or more priority needs identified in Consolidated Plan. Stated need and proposed project are supported by letters from community members or organizations other than applicant. Proposed project would provide significant public benefits, such as increased housing affordability or accessibility, improved living environment, increased fair housing and equity opportunities, or increased employment opportunities, compared to existing conditions.</p>	25
<p><b>3. Project Design and Readiness</b> Project design (physical and operational) is cost-effective, feasible, and effective in meeting the stated needs and objectives. Applicant is ready and able to begin project no later than December 30, 2022. All lienholders/partners/regulatory/funding agencies with a security interest in the project site or other control over the project have reviewed and approved this proposal, and are willing to provide any required written approvals within 90 days of funding award.</p>	25
<p><b>4. Budget and Financial Management</b> Financial management points based on clean financial audits and a strong record of financial compliance with current or prior HUD/City projects. Budget scores based on realistic cost estimates and adequate budget for various project cost items.</p>	15
<p><b>5. Percentage of Matching Funds</b> Points awarded based on a sliding scale, beginning with 1 point for a 25% match, and 15 points for 100% match, i.e., each increase of 3.75% (above 25%) equates to one additional point, up to 15 points. Matches of more than 100% will not receive additional points.</p>	15
<b>Total Points Available</b>	<b>100</b>

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

City Council for their consideration and final approval.

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

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**NOTICE and DISCLAIMER:**

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- **The City will not reimburse applicants for any costs incurred in the preparation of applications or other responses to this RFP.**
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**SCHEDULE FOR FY 2022/23 CDBG/HOME FUNDING PROCESS**

RFP Issuance	Dec. 15, 2021
Deadline to Submit Questions	Jan. 28, 2022
<b>Deadline to Submit Applications (4:30 p.m.)</b>	<b>Feb. 11, 2022</b>
Draft 2022-23 Action Plan Ready. 30-Day Public Comment Period Opens.	March 18, 2022
Housing & Human Services Commission Meeting: Public Hearing; Commission recommendations on projects funding. <i>*Grantee's must present on their proposed project during this meeting, up to three minutes per grantee will be allowed.</i>	March 23, 2022
Housing & Human Services Commission Meeting: Public Hearing on FY 2022-23 Action Plan	April 27, 2022
City Council Approval of Action Plan	May 3, 2022 (tentative)
Applicants Notified Regarding Awards	June 2022
HUD Review and Approval (estimated date)	July 2022
Award Notification Sent to Successful Applicants	July 2022

**NOTE:** This schedule is subject to change. Call 408-730-7451 for updates.



Sunnyvale

## **HOME Investment Partnerships (HOME)**

### **Request for Proposals for A Tenant Based Rental Assistance Program Administrator for Program Years 2022 and 2023**

Release Date:  
Dec. 15, 2021

Proposals Due on:  
Feb.11, 2022, by 4:30 p.m.

Community Development Department, Housing Division  
408-730-7250 | [Sunnyvale.ca.gov](http://Sunnyvale.ca.gov)

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



## **I. Background**

### **What is HOME?**

The HOME Investments Partnership Program (“HOME”) was established by Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. The HOME program provides funding for construction, rehabilitation, and/or acquisition of housing affordable to lower income persons, as well as certain other activities in support of affordable housing (not related to capital projects).

The City of Sunnyvale receives annual entitlement grants of HOME funds from the U.S. Department of Housing and Urban Development (HUD), as well as occasional “program income” from funds recycled from previous projects. Each year the City seeks to maximize the benefits of these funds by partnering with local organizations to conduct eligible activities. This Request for Proposals (RFP) sets forth the types of capital and housing projects that are eligible for HOME funding under this RFP.

### **What is Tenant Based Rental Assistance?**

HOME permits Participating Jurisdictions (i.e. City of Sunnyvale) to create flexible programs that provide assistance to individual households to help them afford the housing costs of market-rate units. These programs are known as Tenant Based Rental Assistance, or “TBRA”. HOME TBRA programs differ from other types of HOME rental housing activities in three key-ways:

1. TBRA programs help individual households, rather than subsidizing particular rental projects.
2. TBRA assistance moves with the tenant – if the household no longer wishes to rent a particular unit – the household may take its TBRA and move to another property.
3. The level of TBRA subsidy varies – the level of subsidy is based upon the income of the household, the particular rental unit the household selects, and the Participating Jurisdictions rent standard.

There are many different types of TBRA programs, but the most common type provides payments that make up the difference between the amount a household can afford to pay, and the local rent standards. Other TBRA programs help tenants pay for costs associated with their housing, such as security and utility deposits.

### **TBRA Program Requirements?**

TBRA Administrators must develop, maintain and implement policies that reflect and document the following (including but not limited to): 1) tenant selection policies/procedures 2) initial/ongoing eligibility processes (i.e., income eligibility, rent calculation, rent comparable process, Housing Quality Standards, etc.) AND 3) ongoing commitment to individual participant record keeping and file maintenance that ensures compliance with all HOME rules and regulations.

## II. RFP Objectives

### A. Available Funds

This RFP seeks to award available Housing Mitigation (HMF), Low-Moderate Housing (LMIHF) and HOME funds to one eligible proposal/applicant, as described below. The amount of funding available for the two-year period is approximately \$250,000 in local funds and up to \$2 million in HOME funds as the result of an increase in funding through the 2021 American Rescue Plan. The Housing Mitigation (HMF) and Low-Moderate Housing funds are intended to be set-aside to cover the cost of supportive services and program administration activities – while HOME funds will be set-aside to pay for rental assistance and security deposits for program participants.

### B. Eligible Applicants

Applicants must be non-profit organizations with current, IRS-recognized non-profit status, including public agencies, and must provide current documentation of such status in applications. Additionally, the City is searching for a TBRA Administrator that can make a two-year commitment to administering the program.

### C. Eligible Activities

The City is seeking one Administrator for its TBRA program – and seeking innovative proposals for a time-limited (up to two years) rental assistance program, including supportive services, to support low-income households as they work toward self-sufficiency. HOME rules are flexible regarding the types of TBRA programs that may be developed – from a program that serves the entire community to reduce household rent burdens to a program designed to serve a targeted population, such as the unhoused or persons with disabilities. The City is open to new and innovative approaches, as long as they are in compliance with HOME rules and regulations, and meet the objectives of the TBRA program:

#### HOME Specific Eligible Activities:

- Rental Assistance (HOME)
- Security Deposit Assistance (HOME)

#### HMF Specific Eligible Activities:

- Program Administration Costs

#### Low-Moderate Housing Fund Specific Eligible Activities:

- Supportive Services and Case Management

### D. Ineligible Activities

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

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

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

#### **E. TBRA Program Objective**

The City of Sunnyvale's TBRA program is intended to assist low-income households (families and/or individuals) experiencing or at-risk of homelessness, in obtaining safe, sanitary, habitable and affordable housing by providing rental and security deposit assistance, coupled with case-management/employment services, for the duration of the program (up to two-years). The program is intended to serve households with minimal to moderate barriers to housing and employment (i.e., Rapid Rehousing Model) – and is not intended for participants requiring Permanent Supportive Housing services who have major barriers to housing and employment. Since TBRA is a time-limited subsidy program – the main objective is to enroll households and provide adequate case management support to assist the household in becoming self-sufficient during their term in the program.

To help Sunnyvale meet this objective, the City is seeking proposals from experienced agencies/subsidy administrators that 1) identify a target population 2) have a detailed initial and ongoing eligibility system 3) include a detailed Case Management/Self Sufficiency Plan AND 4) demonstrate a full understanding of the HOME federal guidelines and regulations.

#### **F. Matching Funds (Leverage)**

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

At least half of the matching funds counted toward a proposal shall consist of enforceable commitments of real dollars (i.e., not in-kind services) which are either currently available to the applicant for project use, and/or evidenced by an irrevocable, written commitment of funds to the project (may be conditioned upon applicant's award of City 2022 HOME funds) signed by the funding agency or donor. Signed commitments for all matching funds must be provided in application in order to be counted as match for scoring and evaluation purposes.

Matching funds must be permanently contributed to the project, and are subject to HOME program income, reversion of assets, and/or reuse requirements. If a project is awarded City funds, all matching funds will be considered part of the HOME project budget, and will become equally subject to all federal requirements applicable to the project, such as Davis- Bacon prevailing wages, federal environmental review, and equal opportunity requirements.

#### **G. Description of Sunnyvale Priority Need(s) Addressed by Project**

Applicants must clearly describe the following in their applications:

- Why the proposed project is needed in Sunnyvale at this time;
- How it would benefit the Sunnyvale clients/residents it proposes to serve;
- Which priority need(s) and objectives from the City's Consolidated Plan it is designed to meet; and quantify these benefits in terms of standard units (i.e., housing units improved, eligible

City of Sunnyvale  
Request for Proposals for a Tenant Based Rental Assistance Administrator

Sunnyvale clients served by project/facility, etc.) for HUD reporting purposes

Applications should also clearly explain why their proposal should be funded before others received in response to this RFP, assuming that available HOME funding is not adequate to fund more than one proposal. **The income level “served”, for scoring purposes, shall be equal to the income restrictions applicable to the unit upon project completion, not simply the income levels of the current occupants of the unit, if any, which may be lower than the restricted affordability levels.**

#### H. Compliance with Federal, State, and City Requirements

Applicants must review all federal regulations applicable to HOME-funded projects of the type for which the funding is requested (i.e., TBRA – 24 CFR 92.209). **Submittal of an application in response to this RFP shall be construed as applicant’s thorough understanding of, and commitment to comply with: all applicable HOME requirements, relevant state or federal laws (such as fair housing, prevailing wage, and relocation laws), City funding policies and municipal codes and federal audit requirements.** Compliance also includes submittal of quarterly progress reports, final project reports, timely and accurate expenditure invoices, annual City audits/monitoring’s and timely completion of the project, including occupancy reporting. These requirements are not negotiable. Failure to comply with these requirements, which are described more particularly in project funding agreements, may result in various enforcement actions by City and/or HUD staff, including possible requirements for the applicant to repay the HOME funds to the federal Treasury.

#### III. Application Submittal and Review Process

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

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

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

#### A. Application Submittal

*Note: The regular submittal process has been modified due to the ongoing COVID-19 pandemic.*

1. City staff will provide written answers to written questions on an ongoing basis. Answers will be directly answered within 24-hours. **Submit questions to Leif Christiansen at: [lchristiansen@sunnyvale.ca.gov](mailto:lchristiansen@sunnyvale.ca.gov)**
2. Original **must** be signed in **blue** ink.
3. First, submit the full application, including all required signatures, via email, to [lchristiansen@sunnyvale.ca.gov](mailto:lchristiansen@sunnyvale.ca.gov)
4. Mail the hard-copy original application, including wet signatures, to the address below.

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Request for Proposals for a Tenant Based Rental Assistance Administrator

5. All proposals (email and hard copy) must be received by the Housing Division no later than 4:30 p.m. on February 11, 2022. Postmarks not accepted.

City of Sunnyvale Housing Division  
Attn: Leif Christiansen, Housing Programs Analyst  
456 West Olive Avenue, Sunnyvale, CA 94088-3707

**Application Deadline: 4:30 PM (PST) on  
February 11, 2022**

Contact Leif Christiansen for questions (408-730-7451)

#### **A. Application Review Process**

Applications received in response to this RFP will be reviewed by City staff, the Sunnyvale Housing & Human Services Commission, will be made available to all Sunnyvale residents/stakeholders during a 30- day public comment period, the Sunnyvale City Council; and HUD. The City Council will make the final local decision regarding project funding awards, subject to review and approval by HUD no later than July 2022.

1. Staff will review all applications received to verify that:
  - a) The applicant is eligible to submit a proposal through this RFP;
  - b) The application is complete;
  - c) The project is eligible for the requested type of funds (HOME), as determined by HUD guidelines and regulations; and
  - d) The proposed project meets the City requirements, project types, and objectives set forth in this RFP.
  - e) The project has the ability to be completed with all funds spent by April 1, 2024.

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

The Housing and Human Services Commission (HHSC) will review the eligible applications

received, as well as staff scores and recommended funding amounts. The Commission will hold public hearings on the proposed projects, and will evaluate the merits of the proposals and community need for each proposed TBRA project, considering the priority needs identified in the Consolidated Plan, public comments received, staff recommendations, and related information. The City expects that each applicant will attend the HHSC meeting to present on their proposal and be available for questions and comments. The Commission will make a funding recommendation on each proposal. The Commission's recommended funding awards will be presented to the City Council for final approval as part of the draft 2022-23 Action Plan. City Council will then hold a public hearing on the Action Plan, including proposed project awards, before adopting the Action Plan in May 2022. Project funding awards will also be included in the City's 2022 Projects Budget, to be adopted in June. Please refer to the approximate program schedule on page 9.

2. Public input on the Action Plan is obtained through the public hearing process and acceptance of written comments during the comment period. Notices are published in accordance with the City's Citizen Participation Plan. The City Council approves the Annual Action Plan by resolution following the citizen comment period. Each applicant will be notified in writing regarding their funding application. Final approval of the Action Plan is made by HUD, usually in July.
3. Public input on the Action Plan is obtained through the public hearing process and acceptance of written comments during the comment period. Notices are published in accordance with the City's Citizen Participation Plan. The City Council approves the Annual Action Plan by resolution following the citizen comment period. Each applicant will be notified in writing regarding their funding application. Final approval of the Action Plan is made by HUD, usually in July.
4. Project Scoring: Proposals will be evaluated by staff using the following criteria, with points awarded up to the following maximum points per criteria (on the following page):

Scoring Category	Maximum Points
<p><b>1. Organizational Capacity and Relevant Experience</b> Organization’s staff, board and/or volunteers are well qualified to complete and operate a rental assistance program, considering years of experience, appropriate skill sets, professional certifications, and number of similar projects completed. Any prior federal program experience (<i>HOME/CDBG: TBRA, Capital Projects, Human Services</i>) in the City have been successfully completed, with funds drawn and no outstanding compliance findings.</p>	20
<p><b>2. Project Need</b> Project clearly meets one or more priority needs identified in Consolidated Plan. Stated need and proposed project are supported by letters from community members or organizations other than applicant. Proposed project would support the community by providing an innovative program proposal that would recruit, refer, retain, and support households through a time-limited rental assistance program. The need, including potential populations served, is clearly described in the proposal.</p>	25
<p><b>3. Project Design and Readiness</b> Project design (physical and operational) is cost-effective, feasible, and effective in meeting the stated needs and objectives. Applicant currently has or proposed, including but not limited to 1) proper staffing levels for the program design 2) existing rental subsidy systems in place to disburse landlord payments 3) commitment to staff training and support systems 4) participant/client referral source 5) program attributes that support participant self-sufficiency through ongoing case management AND; 6) experience with the basic components of rental subsidy programs (i.e. initial/ongoing eligibility, Housing Quality Standards, rent reasonableness, rent calculations, etc.). Applicant is ready and able to begin project no later than July 1, 2022.</p>	25
<p><b>4. Budget and Financial Management</b> Financial management points based on clean financial audits and a strong record of financial compliance with current or prior HUD/City projects. Budget scores based on realistic cost estimates and adequate budget for various project cost items.</p>	15
<p><b>5. Percentage of Matching Funds</b> Points awarded based on a sliding scale, beginning with 1 point for a 25% match, and 15 points for 100% match, i.e., each increase of 3.75% (above 25%) equates to one additional point, up to 15 points. Matches of more than 100% will not receive additional points.</p>	15
<b>Total Points Available</b>	<b>100</b>

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

City of Sunnyvale  
Request for Proposals for a Tenant Based Rental Assistance Administrator

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**NOTE:** This schedule is subject to change. Call 408-730-7451 for updates.



# City of Sunnyvale

## Agenda Item

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21-1073

Agenda Date: 11/17/2021

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### **SUBJECT**

Annual Review of the City Code of Ethics and Conduct

As stated within the attached Sunnyvale Code of Ethics and Conduct, the Code is intended to be largely self-enforced, and it is believed to be most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, the Code is reviewed annually by City Council and all City boards and commissions. This review gives commissioners an opportunity to ask for clarification of any of its contents, if necessary, or to make recommendations regarding the Code, if they have any suggestions for updates or improvements.

The City Council considers all recommendations from boards and commissions and updates the document as necessary. It was last reviewed by Council on October 26, 2021.

### **ATTACHMENTS**

1. 2021 Code of Ethics and Conduct



## **City of Sunnyvale**

# **2021 Code of Ethics and Conduct for Elected and Appointed Officials**

Updated October 26, 2021

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

*-- Matthew Arnold*

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

## Ethics

### Policy Purpose

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

### A. ETHICS

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

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

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

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

## Ethics

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

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

## Ethics

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

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

*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.*

## Conduct

### **B. CONDUCT**

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

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

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

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

##### **1(a). In Public Meetings**

###### *Use formal titles*

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

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

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

###### *Honor the role of the chair in maintaining order*

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

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

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

###### *Demonstrate effective problem-solving approaches*

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

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### *Representing the Body*

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

#### **1(b). In Private Encounters**

##### *Continue respectful behavior in private*

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

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

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

##### *Even private conversations can have a public presence*

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

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

## **2. Elected and Appointed Officials' Conduct with City Staff**

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

##### *Treat all staff as professionals*

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

##### *Do not disrupt City staff from their jobs*

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

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

### *Never publicly criticize an individual employee*

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

### *Do not get involved in administrative functions*

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

### *Check with City staff on correspondence before taking action*

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

### *Do not solicit political support from staff*

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

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

### **3(a). In Public Meetings**

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

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

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

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

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

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

### *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.).

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### *Make no personal comments about other members*

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

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

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

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

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

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

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

### **5. Council Conduct When Serving on Intergovernmental Assignments**

#### *Be clear about representing the City or personal interests*

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

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

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

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

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

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

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

*Limit participation to questions of clarification*

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

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

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

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## Conduct

### *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.

### *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.

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### *Inappropriate Staff Behavior*

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

### *Members Behavior and Conduct*

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

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

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

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

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**D. GLOSSARY OF TERMS**

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

**E. IMPLEMENTATION**

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

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

Lead Department: Office of the City Manager

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**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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Sunnyvale

# City of Sunnyvale

## Agenda Item

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21-1075

Agenda Date: 11/17/2021

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Consideration of Potential Study Issues



Sunnyvale

# City of Sunnyvale

## Agenda Item

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21-1077

Agenda Date: 11/17/2021

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Housing Element Update



# City of Sunnyvale

## Agenda Item

21-1076

Agenda Date: 11/17/2021

### Housing and Human Services Commission Proposed Study Issues, Calendar Year: 2022

#### Proposed Study Issues\*

Date	Working Title	Summary of Scope	Staff Comments
7/14/21	Housing Affordability Speakers Series	The Housing and Human Services Commission proposes a new city-sponsored speaker series. This affordable housing speaker's series will allow our Sunnyvale community to conceptualize plans and help determine the best "Sunnyvale Way" to handle growth in a sustainable way while maintaining the core character of the city.	Establishing a 'Housing Affordability Speaker Series' could be a great opportunity to share best practices and upcoming opportunities in affordable housing development, rehabilitation, and preservation. Similarly to the Sustainability Series, these events would be open to the public.

\*The study issues have been proposed for future sponsorship

Toward the end of the calendar year, no later than October, boards and commissions will review the list of proposed study issues and officially vote on sponsorship for each individually listed study issue. Official sponsorship means that the study issue is approved for ranking with a majority vote of the board or commission. Staff will then prepare the sponsored study issue papers, including fiscal impact **but not** the staff recommendation.