



# City of Sunnyvale

## Notice and Agenda

### Heritage Preservation Commission

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Wednesday, December 1, 2021

7:00 PM

Teleconference Meeting: City Web Stream

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Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/93323345826>

#### 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 Heritage Preservation Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution 1089-21 (reaffirmed November 16, 2021).*

#### Public Participation

- *Watch the Heritage Preservation Commission meeting at <https://www.youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the Heritage Preservation Commission to [HeritagePreservation@sunnyvale.ca.gov](mailto:HeritagePreservation@sunnyvale.ca.gov) or by mail to Sunnyvale Planning Division, 456 W. Olive Avenue, Sunnyvale, CA 94086-3707.*
- *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/93323345826>*

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 933 2334 5826*

#### 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. The Planning Division may be reached at 408-730-7440 or at [planning@sunnyvale.ca.gov](mailto:planning@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).*

**CALL TO ORDER**

*Call to Order via teleconference.*

**ROLL CALL****ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the Heritage Preservation 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 Heritage Preservation Commission to take action on an item not listed on the agenda. If you wish to address the Heritage Preservation 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.*

2.     [21-1115](#)           Approve the Draft Heritage Preservation Commission Meeting Minutes of October 6, 2021

**Recommendation:** Approve the Draft Heritage Preservation Commission Meeting Minutes of October 6, 2021, 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.*

3.     [21-1116](#)           Approve the Draft Heritage Preservation Commission 2022 Master Work Plan
4.     [21-1117](#)           Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials

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

**NON-AGENDA ITEMS & COMMENTS****-Commissioner Comments****INFORMATION ONLY REPORTS/ITEMS****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 Heritage Preservation Commission Meeting, pursuant to Government Code §54957.5.*

*Agenda information is available by contacting the Planning Division at 408-730-7440 or [planning@sunnyvale.ca.gov](mailto:planning@sunnyvale.ca.gov). Agendas and associated reports are also available on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) or at the One-Stop Desk, City Hall, 456 W. Olive Ave., Sunnyvale, CA, 72 hours before the Meeting.*

*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing.*

*PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5. Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance in this meeting, please see the notice at the beginning of this agenda.*



Sunnyvale

# City of Sunnyvale

## Agenda Item

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**21-1115**

**Agenda Date: 12/1/2021**

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**SUBJECT**

Approve the Draft Heritage Preservation Commission Meeting Minutes of October 6, 2021

**RECOMMENDATION**

Approve the Draft Heritage Preservation Commission Meeting Minutes of October 6, 2021, as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft Heritage Preservation Commission

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Wednesday, October 6, 2021

7:00 PM

Telepresence Meeting: City Web Stream

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### Regular Meeting - 7PM

#### SPECIAL TELECONFERENCE NOTICE

#### CALL TO ORDER

Pursuant to Government Code Subdivision 54953 (e), the meeting was conducted telephonically; pursuant to state law, the City Council is scheduled to make the necessary findings on October 26, 2021.

Chair Hopkins called the meeting to order at 7:00 P.M.

#### ROLL CALL

**Present:** 6 - Chair Dawn Hopkins  
Vice Chair Shanna Gaudenti  
Commissioner Jenny Bratton  
Commissioner Steve Caroompas  
Commissioner Pamela Sharma  
Commissioner David Wu

**Absent:** 1 - Commissioner Sarosh Patel

#### ORAL COMMUNICATIONS

None.

#### CONSENT CALENDAR

1. [21-0942](#) Approve the Draft Heritage Preservation Commission Meeting Minutes of September 1, 2021

Commissioner Wu recommended changes in the Consideration of Potential Study Issues section and noted that he recommended to keep study issue CDD19 04: Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups separate from Commissioner Sharma's potential study issue proposal.

He also noted the minutes for the 1029 Ranere Court item should address whether the Commission has purview over the interior of heritage resource.

MOTION: Commissioner Wu motioned and Commissioner Bratton seconded the motion to approve the Draft Special Heritage Preservation Commission Meeting Minutes of September 1, 2021, as modified.

The motion carried with the following vote:

**Yes:** 6 - Chair Hopkins  
Vice Chair Gaudenti  
Commissioner Bratton  
Commissioner Caroompas  
Commissioner Sharma  
Commissioner Wu

**No:** 0

**Absent:** 1 - Commissioner Patel

## **PUBLIC HEARINGS/GENERAL BUSINESS**

2. [21-0941](#) California Environmental Quality Act (CEQA) and Historical Resources Training

Senior Assistant City Attorney Rebecca Moon provided the California Environmental Quality Act (CEQA) and Historical Resources training with a presentation.

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

Chair Hopkins asked if the flock of birds (parrots) that live in Sunnyvale can be designated as a heritage resource as they are significant to Sunnyvale's history and Senior Planner George Schroeder did not believe that they fall under the Commission's purview.

## **NON-AGENDA ITEMS & COMMENTS**

### **-Commissioner Comments**

Commissioner Bratton received an email from the City Clerk about a call for participating in a Candy Cane Decorating Committee and asked if any commissioners were interested in participating and Commissioner Sharma noted her interest.

Commissioner Sharma asked about the walking tour of heritage resources and

Commissioner Wu also showed interest in the tour.

Commissioner Wu also noted that he is the chair for alumni interviewing 700 student applicants and will be happy to share some of Sunnyvale's history with the applicants.

### **INFORMATION ONLY REPORTS/ITEMS**

Mr. Schroeder noted that there may be one more meeting this year to approve the 2022 Work Plan.

### **ADJOURNMENT**

Chair Hopkins adjourned the meeting at 8:25 PM.



Sunnyvale

# City of Sunnyvale

## Agenda Item

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**21-1116**

**Agenda Date: 12/1/2021**

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**SUBJECT**

Approve the Draft Heritage Preservation Commission 2022 Master Work Plan



## Draft 2022 Annual Work Plan Heritage Preservation Commission

MEETING DATE	AGENDA ITEM/ISSUE
January 5	<ul style="list-style-type: none"> <li>• Rank Study Issues by January 31</li> </ul>
February 2	<ul style="list-style-type: none"> <li>• Meeting to be held if needed</li> </ul>
March 2	<ul style="list-style-type: none"> <li>• Meeting to be held if needed</li> </ul>
April 6	<ul style="list-style-type: none"> <li>• Meeting to be held if needed</li> </ul>
May 4	<ul style="list-style-type: none"> <li>• Review Recommended Budget</li> </ul>
June 1	<ul style="list-style-type: none"> <li>• Recognition of Service</li> </ul>
July 6	<ul style="list-style-type: none"> <li>• Selection of Chair and Vice Chair</li> </ul>
August 3	<ul style="list-style-type: none"> <li>• Meeting to be held if needed</li> </ul>
September 7	<ul style="list-style-type: none"> <li>• Meeting to be held if needed</li> </ul>
October 5	<ul style="list-style-type: none"> <li>• Final month to Propose Study Issues (Due to City Manager by December 3)</li> </ul>
November 2	<ul style="list-style-type: none"> <li>• Approve 2023 Master Work Plan</li> </ul>
December 7	<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>

**Additional items yet to be scheduled:**

- Study Issues may be proposed at any meeting throughout the year
- Study Issues presentation dates will be added following approval by Council



Sunnyvale

# City of Sunnyvale

## Agenda Item

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**21-1117**

**Agenda Date: 12/1/2021**

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**SUBJECT**

Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials



## **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

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## Ethics

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

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

## 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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## Conduct

### *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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## Conduct

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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## Conduct

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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## Conduct

### *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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## Conduct

*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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## Conduct

### *Inappropriate Staff Behavior*

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

### *Members Behavior and Conduct*

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

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

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

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

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## Glossary of Terms / Implementation

### **D. GLOSSARY OF TERMS**

<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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