



City of Sunnyvale

Notice and Agenda Housing and Human Services Commission

Wednesday, July 22, 2015

7:00 PM

West Conference Room, City Hall, 456 W.
Olive Ave., Sunnyvale, CA 94086

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

PUBLIC ANNOUNCEMENTS

Speakers are limited to 3 minutes for announcements of related board/commission events, programs, resignations, recognitions, acknowledgments.

CONSENT CALENDAR

- 1.A [15-0472](#) Draft Minutes of the Housing and Human Services
Commission Meeting of May 20, 2015

PUBLIC COMMENTS

This category is limited to 15 minutes, with a maximum of three minutes per speaker. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by commission members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the commission.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [15-0664](#) Public Hearing: Study Issue CDD 15-12: Regulating Short-term Residential Rental Units (i.e., AirBnB)

Recommendation: Staff Recommended Action: Establish short-term rental regulations in the zoning code to allow effective enforcement of the uses; set up an permit program to help establish the requirements for the host and to provide the City with a database of those short-term hosts that are permitted versus those that are not; and, require hosts to pay for the permit and pay TOT.

- 3 [15-0618](#) Election of Officers for FY 2015-2016

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

-Staff Comments

INFORMATION ONLY REPORTS/ITEMS

- [15-0573](#) Revised Council Policy 7.2.19

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, Sunnyvale, CA. during normal business hours and at the meeting location on the evening of the board or commission meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Edith Alanis at (408) 730-7254. Agendas and associated reports are also available on the City's web site at <http://sunnyvale.ca.gov> or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact Edith Alanis at (408) 730-7254. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)



City of Sunnyvale

Agenda Item

15-0472

Agenda Date: 7/22/2015

Draft Minutes of the Housing and Human Services Commission Meeting of May 20, 2015



City of Sunnyvale

Meeting Minutes - Draft

Housing and Human Services Commission

Wednesday, May 20, 2015

7:00 PM

West Conference Room, City Hall, 456 W.
Olive Ave., Sunnyvale, CA 94086

Special Meeting

CALL TO ORDER

Chair Gilbert called the meeting to order at 7:06 p.m.

SALUTE TO THE FLAG

Chair Gilbert led the salute to the flag.

ROLL CALL

Present: 7 - Chair Diana Gilbert
Vice Chair Younil Jeong
Commissioner Dennis Chiu
Commissioner Patti Evans
Commissioner Chrichelle McCloud
Commissioner Barbara Schmidt
Commissioner Navpreet (Ruby) Sidhu

Council Liaison Jim Davis (absent)

Commissioner Chrichelle McCloud arrived at 7:08 p.m.

Commissioner Navpreet (Ruby) Sidhu arrived at 7:10 p.m.

PRESENTATION

Chair Gilbert introduced Mayor Jim Griffith who presented Commissioner Patti Evans with a certificate of recognition for her service on the Housing and Human Services Commission. He also announced that she was reappointed by the Council to serve for a four-year term.

Mayor Griffith also thanked the rest of the Commissioners for their service.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1.A [15-0473](#) Draft Minutes of the Housing and Human Services
Commission Meeting of April 22, 2015

Chair Gilbert asked if anyone wanted to pull an item from the consent calendar for discussion. No one did.

Chair Gilbert asked for a motion to approve the consent calendar.

Commissioner Chiu moved and Commissioner McCloud seconded the motion to approve the consent calendar which is comprised of the Draft Minutes of the Housing and Human Services Commission Meeting of April 22, 2015. The motion carried by the following vote:

Yes: 5 - Chair Gilbert
 Commissioner Chiu
 Commissioner Evans
 Commissioner McCloud
 Commissioner Schmidt

No: 0

Absent: 1 - Commissioner Sidhu

Abstain: 1 - Vice Chair Jeong

Vice Chair Jeong abstained because she was not present at the April 22 meeting. Commissioner Sidhu had not arrived yet at the time of this vote.

PUBLIC COMMENTS

Yvonne Salazar, Sunnvyale resident, spoke about the growing need for affordable housing, and the significant impact of rising rents on seniors and lower-income individuals. She expressed concern about seniors and families being displaced, and about landlords requiring prospective tenants to earn three times' the rent in order to qualify to rent a unit.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0205](#) Introduce an Ordinance and Two Resolutions to Approve Two
New Affordable Housing Impact Fees: Housing Impact Fee for
Nonresidential Development and Housing Impact Fee for
Rental Housing

Housing Officer Suzanne Isé introduced Affordable Housing Manager Ernie

DeFrenchi who provided a brief slide presentation on this item.

Mr. DeFrenchi gave a quick review of the project background and a brief summary of the draft ordinance and draft resolutions attached to the report. He noted that the new fee for non-residential development was proposed to be \$15 per net new square foot for all office, R&D, and industrial projects (\$7.50 for the first 25,000 square feet), and \$7.50 per net new square foot for all retail and lodging projects. He added that the new rental housing impact fee is proposed to be \$17 per habitable square foot for all new market-rate rental developments.

He also noted that the revenue from these fees will be used to address the City's affordable housing needs and goals, and that the fees would be adjusted for inflation annually.

Chair Gilbert opened the public hearing at 7:48 p.m.

Helen Tong-Ishikawa, Senior Associate Project Manager with MidPen Housing Corp., spoke in support of the proposed fees. MidPen is a nonprofit developer of affordable housing that currently owns 8 sites in Sunnyvale with over 700 affordable housing units, and a new project under construction. She noted that the need for affordable housing options is continually increasing, and that MidPen has approximately 2,000 people on its combined waiting lists just for its Sunnyvale properties. She also spoke in support of the flexibility of alternative options offered in the proposed ordinance. In addition, she requested that the City consider encouraging developers that opt to provide affordable units on site to connect tenants of those units to local agencies that provide supportive services because these services are very important.

Chair Gilbert closed the public hearing at 8:02 p.m.

Commissioner Chiu moved and Commissioner McCloud seconded the motion to recommend to Council Alternative 1: Approve the Draft Ordinance and Fee Resolutions establishing the Housing Impact Fees for Nonresidential Development and Housing Impact Fee for Rental Housing, as provided in Attachments 1, 2, and 3. The motion carried by the following vote:

Yes: 7 - Chair Gilbert
Vice Chair Jeong
Commissioner Chiu
Commissioner Evans
Commissioner McCloud
Commissioner Schmidt
Commissioner Sidhu

No: 0

3 [15-0482](#) Review of Fiscal Year 2015/16 Recommended Budget

Housing Officer Isé summarized the Housing budget materials provided in the packet for review, such as the pages related to the various Housing funds, the Housing capital projects, and the operating budget for the Housing Division. She indicated that if the Commissioners wanted to comment on the Budget, they could either make a formal motion or make individual comments which would be captured in the minutes, and included in the Annual Budget Review Report to Council.

Chair Gilbert opened and closed the public hearing at 8:22 p.m. No members of the public were present at that time.

After some discussion, the Commissioners opted to make a formal motion regarding the General Fund supplement for human services.

Commissioner Chiu moved and Commissioner Evans seconded the motion to recommend that Council consider adjusting the General Fund supplement in the long-range plan annually for inflation, based on the Consumer Price Index (CPI), but not to reduce it if the CPI goes negative. The motion carried by the following vote:

Yes: 7 - Chair Gilbert
Vice Chair Jeong
Commissioner Chiu
Commissioner Evans
Commissioner McCloud
Commissioner Schmidt
Commissioner Sidhu

No: 0

4 [15-0524](#) Nominate a Housing and Human Services Commissioner to the El Camino Real Specific Plan Advisory Committee

Ms. Isé provided a brief background on this planning effort, and noted the map of the study area in the packet.

Chair Gilbert asked around if any of the commissioners were interested in volunteering to serve on the Committee, and if so, to please state the reason they wanted to participate.

Commissioner Evans stated that she lives near El Camino Real and owns a business in Mountain View on El Camino. She noted that she is concerned about increasing congestion related to the proposed Bus Rapid Transit (BRT) project.

Commissioner McCloud stated that her primary interest in serving was that she was very supportive of public transit to ease congestion.

Ms. Isé asked the Chair if she could provide some clarification about the project and the Committee's role. She then explained that the City does not control transit services, that is the role of the transit agency (VTA); and this project primarily involves City land use planning and policies affecting potential development of the properties along the El Camino Corridor, not primarily transit service issues.

The Chair asked Commissioner Jeong, who served on a similar committee recently (the Lawrence Station Area Plan committee), to speak briefly about what it was like to serve on that committee, the time required, etc.

Commissioner Jeong explained that the LSAP committee service was very interesting and that the time commitment required was significant, and that they had to read a large volume of material before the meetings.

After further consideration, Commissioner Evans retracted her interest, noting that the time commitment required was more than she could absorb.

Chair Gilbert asked for a motion.

Commissioner Schmidt moved and Commissioner Evans seconded the motion to nominate Commissioner McCloud to participate in the El Camino Real Corridor Plan Advisory Committee. The motion carried by the following vote:

Yes: 7 - Chair Gilbert
Vice Chair Jeong
Commissioner Chiu
Commissioner Evans
Commissioner McCloud
Commissioner Schmidt
Commissioner Sidhu

No: 0

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

Commissioner Sidhu asked if the meetings always had to be held on Wednesdays. Staff responded that, occasionally, special meetings may happen on a different day of the week. However, the Boards and Commissions Council Policy states that the Housing and Human Services commission is designated to meet on the fourth Wednesday of every month, and that is partly to ensure that meeting rooms are available for each Board and Commission when they meet. In addition, the regular meeting nights are disclosed in advance to those who apply to serve on a particular commission, so by submitting an application they acknowledge they are available to serve at the Commission's regular meeting time and day of the month, as noted in the Council Policy.

Commissioner Evans noted that she had difficulty especially with the budget materials because the pages were not numbered. Staff explained that pagination varies based on how meeting materials are accessed online, but would look into alleviating the issue.

-Staff Comments

None.

ADJOURNMENT

Chair Gilbert adjourned the meeting at 8:55 p.m.



City of Sunnyvale

Agenda Item

15-0664

Agenda Date: 7/22/2015

MEMORANDUM TO HOUSING AND HUMAN SERVICES COMMISSION

SUBJECT

Public Hearing: Study Issue CDD 15-12: Regulating Short-term Residential Rental Units (i.e., AirBnB)

Overview

The City Council ranked the study issue for short-term rentals “above the line” for 2015. Staff has been researching the issue, met with AirBnB to better understand the business side of the issue, and prepared an on-line survey for the community on the Open City Hall web page. Also, a joint study session with the City Council and Planning Commission was held to provide the members with more information about the issue, and answer questions. Concerns about the use of residential housing for short-term rentals include: neighborhood concerns about parking, safety and traffic, the potential incompatibility of allowing what is currently defined as a hotel in a residential area, and the potential loss of rental units affordable to many people in the area.

The general approach considered will be to require a permit or license from residents interested in hosting a short-term rental (defined as renting a unit for less than 30 days). In general, there are two main types of short-term rentals: hosted (where the resident lives in the unit and rents out a room), and unhosted (or whole house rental).

Staff has read about other cities and groups raising concerns that these types of short-term rentals can impact the cost of housing in areas with extensive short-term rental housing. Determining whether those findings are accurate are beyond the scope of this study, but the concern has been considered in the work to date. Santa Monica has recently considered that concern in determining how to regulate the uses. Typically, the most effective approach (short of banning the use) is to allow only short-term rental of homes that continue to be occupied by the permanent resident (hosted). In some cases, residents can offset their housing costs (e.g. rent, mortgage, utilities) by renting out a room at their home. However, whole house rentals (or unhosted) can impact the overall supply of housing and possibly affect housing rents if a sizable number of residences are removed from the long-term rental market. Statistics have shown that the majority of short-term rentals in Sunnyvale are hosted. Staff is considering limiting short-term rentals in Sunnyvale to hosted to help address the affordability issue, as well as other issues such as safety and security and potential impacts to the neighborhood.

Options

Options to consider for regulating short-term rentals include:

1. Adopt an ordinance that includes specific criteria regarding short-term rentals, including:
 - a. Require a permit;
 - b. Allow hosted rentals only, or both hosted and unhosted;
 - c. Establish a maximum number of guest on site at one time;

- d. Set a limit on the number of days a year a host can accept guests (or set no limit);
 - e. Consider limiting short-term rentals to a certain type of unit (single-family home, apartment, condominiums, townhouses);
 - f. Prohibit business or event uses as part of a short-term rental.
2. If short-term rentals are allowed, a permit system should be established. Requirements of an application for the use may include:
- a. Permit issued to individual and does not run with the land;
 - b. Must have property owner or HOA consent for application;
 - c. Permit must be updated every two years to ensure compliance;
 - d. Permittee must agree to (and sign) a “best practices” form to ensure compatibility with neighborhood.
3. Payment of fees:
- a. Establish a permit fee amount that helps cover staff time in issuing permit, but low enough to not dissuade hosts from obtaining a permit;
 - b. Pay transient occupancy tax (TOT).

The Planning Commission will consider the item at their hearing on July 27, 2015, and the City Council is scheduled to hear it at their meeting on August 25, 2015.

RECOMMENDATION

Staff Recommended Action: Establish short-term rental regulations in the zoning code to allow effective enforcement of the uses; set up an permit program to help establish the requirements for the host and to provide the City with a database of those short-term hosts that are permitted versus those that are not; and, require hosts to pay for the permit and pay TOT.

Staff recommends that the Housing and Human Services Commission provide a recommendation or comments on the above action for forwarding to the Planning Commission and City Council.

Prepared by: Andrew Miner, Principal Planner

Reviewed by: Trudi Ryan, Planning Officer

Approved by: Hanson Hom, Director, Community Development Department

ATTACHMENTS

- 1. Study Issue Paper (CDD 15-12)
- 2. Checklist of possible options



City of Sunnyvale

Agenda Item

14-0969
Agenda Date: 1/30/2015

2015 COUNCIL STUDY ISSUE

NUMBER

CDD 15-12

TITLE Regulating Short-term Residential Rental Units (i.e., AirBnB)

BACKGROUND

Lead Department: Community Development
Support Department(s): N/A

Sponsor(s):
 City Manager

History:
 1 year ago: N/A
 2 years ago: N/A

SCOPE OF THE STUDY

What are the key elements of the study?

Airbnb and similar internet-based companies provide a mechanism for owners of residential properties to rent them out on a short-term basis. They have become a popular alternative to hotels and motels. This is a relatively recent business model that presents a number of regulatory and legal issues related to land use compatibility, zoning, and application of transient occupancy taxes. Under the City's current zoning code, the short-term rental of single and multi-family residential properties in this manner may be considered a hotel or motel use, i.e., a facility offering transient lodging accommodations to the general public for compensation. Those uses are not allowed in residential zones (except the R-5 multi-family residential zone, which requires a use permit). A review of different web sites that offer these services shows multiple properties in Sunnyvale providing temporary rentals through Airbnb and similar services, and this number is expected to increase in the future. Sunnyvale is not alone in this experience; it is a popular service providing lodging opportunities throughout the world.

This study would consider whether the uses should be prohibited, allowed by right or with a permit, or not regulated. These short-term rentals can be considered comparable to uses such as hotels and motels. Typically reviewed as part of these uses are parking and circulation, security, and neighborhood compatibility. Additionally, those uses pay transit occupancy taxes, which short-term residential rentals do not. The study would be a review of transient occupancy tax options for the uses. Other cities have initiated regulations for the uses, and this study would include a review of the approaches taken and would provide options to address it.

14-0969

Agenda Date: 1/30/2015

What precipitated this study?

Staff has received several questions about short term rental of residential property, and Neighborhood Preservation has also received complaints from neighbors of properties that are being used as short-term rentals.

Planned Completion Year: 2015**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost): Moderate

Amount of funding above current budget required: \$0

Funding Source: N/A

Explanation of Cost: N/A

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Depending on the result of the study, it is possible that additional time and expense could be required to collect transit occupancy tax if such uses are allowed and are classified as similar to hotels/motels. The time and expense could be defrayed by the taxes collected.

EXPECTED PARTICIPATION IN THE PROCESS

Council-approved work plan: No

Council Study Session: Yes

Reviewed by Boards/Commissions: Planning Commission, Housing and Human Services Commission

STAFF RECOMMENDATION

Position: Support

Explanation: Staff has noted an increase in this activity, and also an increase in complaints from neighbors where nearby properties are used for this business. It is likely that this use will increase over time. In anticipation of the growth in popularity, it would be appropriate to gather community input and clarify the City's policy regarding this use. The primary policy question is whether these short-term rentals are appropriate and compatible in residential districts. Whatever the outcome of the study, it would be beneficial to clarify the Zoning Code for this use, and if allowed, to consider standards to minimize neighborhood impacts.

Prepared by: Andrew Miner, Principal Planner

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hanson Hom, Director, Community Development

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

Short-term Residential Rental Study Issue

GENERAL CRITERIA

1. Types of short-term rentals

- ☐ Hosted: Permanent resident lives in home renting out room(s)
- ☐ Unhosted: Rental of entire home

2. Maximum number of days allowed to rent

- ☐ No limit
- ☐ Limit total number of days per year for rental
- ☐ Separate number of days for home stay versus vacation rental

3. Type of residential properties

- ☐ Single-family homes
- ☐ Multi-family (apartments and common interest properties)

4. Maximum number of people

- ☐ Limit to maximum 4 guests
- ☐ More than 4 guests
- ☐ Single-family home could be more than multi-family

5. Business License

- ☐ Business license required
- ☐ No business license required

6. Pay Transit Occupancy Tax (TOT)

- ☐ Require short-term rentals to pay TOT
- ☐ No TOT required

7. Permit fee

- ☐ Pay a fee for permit or registration in addition to business license
- ☐ Pay no fee other than business license fee

8. Codify short-term rental requirements

- ☐ Prepare ordinance to insert requirements in code
- ☐ Have short-term rental requirements as policy rather than code

IF REQUIRING CITY APPROVAL:

A. Requirements for permit

- ☐ Issued to specific person at a specific address
- ☐ Property owner authorization
- ☐ Proof of residency (property tax bill, utility bill, etc.)

B. Permit processed by CDD- Planning staff

- ☐ The permit would be issued over the counter with a Miscellaneous Plan Permit.
- ☐ Permit types can vary based on decision about type of short-term rentals allowed.

C. Permit duration options

- ☐ Yearly
- ☐ Biennially
- ☐ In perpetuity
- ☐ Must be updated when business license is due (not a new permit, just a check-in requirement to confirm original info is still valid)

D. Noticing of application or decision

- ☐ Notify adjoining neighbors of permit
- ☐ Provide no notification

E. Appeal rights

- ☐ Permit can be appealed to PC only
- ☐ Permit can be appealed to Council
- ☐ No appeal of decision



City of Sunnyvale

Agenda Item

15-0618

Agenda Date: 7/22/2015

Election of Officers for FY 2015-2016



City of Sunnyvale

Agenda Item

15-0573

Agenda Date: 7/22/2015

INFORMATION ONLY ITEM

SUBJECT

Revised Council Policy 7.2.19

On April 21, 2015, Council approved some changes to Council Policy 7.2.19. The attached redline version is provided for easy review of these changes.

ATTACHMENT

1. Revised Council Policy 7.2.19

COUNCIL POLICY MANUAL

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

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

1. POLICY STATEMENT:

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

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

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

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

2. BOARD AND COMMISSION BYLAWS

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

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

- Meeting rooms should be of a size adequate to allow for public participation.
- Commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.
- Boards and commissions should preferably meet in either Council Chambers or the West Conference Room at City Hall.

COUNCIL POLICY MANUAL

- (I) Arts Commission: This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the arts and the development and promotion of arts programs and activities. Meetings are held on the third Wednesday of each month at 7 p.m.
- (II) Bicycle and Pedestrian Advisory Commission: This seven-member commission acts in an advisory capacity to the City Council on bicycle and pedestrian issues. Meetings are held on the third Thursday of each month at 6:30 p.m.
- (III) Board of Building Code Appeals: formed by Municipal Code Ordinance 1315. This five-member board has final decision-making authority in all appeals related to building construction, including interpretation of building codes. Meetings are held only as necessary, on the third Wednesday of the month at 6 p.m.
- (IV) Board of Library Trustees: formed by City Charter Section 1013. This five-member board acts in an advisory capacity to the City Council on library related issues. Meetings are held on the first Monday of each month at 7 p.m. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month.
- (V) Heritage Preservation Commission: formed by City Charter Section 1015. This seven-member commission acts in an advisory capacity to the City Council and has certain decision-making authority on the restoration, maintenance and operation of heritage resources throughout the City. Meetings are held on the first Wednesday of every other month beginning in January (and on the first Wednesday of alternate months when needed) at 7 p.m.
- (VI) Housing and Human Services Commission: This seven-member commission acts in an advisory capacity to the City Council on programs, policies, and other issues regarding housing and human services. Meetings are held on the fourth Wednesday of each month at 7 p.m.
- (VII) Parks and Recreation Commission: formed by City Charter Section 1011. This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Meetings are held on the second Wednesday of each month at 7 p.m.
- (VIII) Personnel Board: formed by City Charter Section 1007. This five-member board acts in an advisory capacity to the City Council and city manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m.

COUNCIL POLICY MANUAL

- (IX) **Planning Commission:** formed by City Charter Section 1009. This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 8 p.m.
- (X) **Sustainability Commission:** This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action Plan (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m.

B. Eligibility and Membership

No board or commission members shall hold any paid office or employment in the City Government. All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (IV) (b) (ii)), Sustainability Commission, Category Two, per Section 2.B. (IV) (d) (ii)). If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

(I) Spouses, Household Members, and Relatives

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

(II) Concurrent Service

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

- (a) Exception:

COUNCIL POLICY MANUAL

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

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

(a) Board of Building Code Appeals:

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. (*Source: Municipal Code Chapter 16.08*)

(b) Personnel Board:

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

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

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

(c) Planning Commission:

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

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

(a) Arts Commission:

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

COUNCIL POLICY MANUAL

member with a background in visual arts and at least one member with a background in performing arts.

(b) Bicycle and Pedestrian Advisory Commission

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

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

(c) Housing and Human Services Commission:

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

(d) Sustainability Commission

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

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

(V) **Limitation on Terms**

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

COUNCIL POLICY MANUAL

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

C. Recruitment

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

D. Appointment

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

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

Individual Candidate Votes:

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

~~Ranked-Choice~~ Paper Votes:

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

Resolving ties:

Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the

COUNCIL POLICY MANUAL

affected applicants each have received at least four affirmative votes, the Mayor would ask the city attorney to draw the name of the person to be appointed.

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

(I) **Exception:**

(a) Board of Building Code Appeals

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

E. Oath of Office

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

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

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

F. Required Training/Conferences and Disclosure Obligations

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or city manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or "how to run a meeting" for board and commission chairs).

COUNCIL POLICY MANUAL

- (II) Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City's interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.
- (III) Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

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

- Members of the Planning Commission

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

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

G. Officers

(I) Selection of Chair and Vice Chair

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

COUNCIL POLICY MANUAL

(II) **Chair's Role and Responsibilities**

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) Coordinates the setting of the agenda with the staff liaison. Should the chair and the staff liaison disagree regarding the agenda, the city manager shall have final authority subject to appeal to the City Council.
- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. However, they must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed by the board or commission when only action minutes from the board or commission meeting are available to Council. The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.~~quarterly or otherwise schedule.~~

(III) **Vice Chair's Role and Responsibilities**

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

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

(I) **Meetings**

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and

COUNCIL POLICY MANUAL

meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under Parliamentary Procedure. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

(II) **Attendance**

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

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

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

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

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

* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or

COUNCIL POLICY MANUAL

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

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

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

(III) Quorums

Boards and commissions have a quorum present when a majority of their ~~total~~current membership is present. “~~Total~~Current membership” means the number of members indicated in Section 2.A (I) through (VIII) provided for when the board or commission was created; i.e., the Planning Commission has a total membership of seven. ~~is defined as the official membership, less any seats that are formally vacant through resignation, unfilled vacancy or removal.~~

(IV) Majority and Abstentions

Board and/or commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the

COUNCIL POLICY MANUAL

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

(V) **Ad-hoc Committees**

Ad-hoc committees may be established as required to facilitate the study of Council-directed or staff-requested initiatives. These committees will be project-specific and will function only for the duration of the project.

I. Duties

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

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

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

(b) **Study Issues Process**

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

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

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

(c) **Budget**

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

COUNCIL POLICY MANUAL

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

(d) Operational Issues

Board and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.

(II) **Specific Duties**

(a) Arts Commission

- i Review those portions of master plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to City Council.
- ii Review and make recommendations on the Arts Sub-Element of the General Plan.
- iii Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
- iv Make policy recommendations regarding the purchase of art for public buildings and for art in private development in accordance with Council Policy 6.4.3. *Art in Private Development*.
- v Study the regional and state Arts Master Plans and make recommendations to the City Council.

(b) Bicycle and Pedestrian Advisory Commission

- i Recommend priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle.
- ii Participate in periodic review and revision of the Bicycle Plan and Map.
- iii Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.
- iv Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
- v Develop recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
- vi Review and make recommendations on the applicable sections of the General Plan.

(c) Board of Building Code Appeals

COUNCIL POLICY MANUAL

- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal. *(Source: Sunnyvale Municipal Code Chapter 16.16.020)*
 - ii Consider and make determinations on appeals of green building requirements made by the director of community development. *(Source: Sunnyvale Municipal Code Chapter 19.39)*
- (d) Board of Library Trustees
 - i Review and make recommendations on the Library Sub-Element of the General Plan.
 - ii Assess community conditions which affect Library goals and policies.
 - iii Review and make recommendations regarding agreements with outside groups and recommend funding allocations.
- (e) Heritage Preservation Commission
 - i Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts. *(Source: City Charter Section 1016)*
 - ii Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance. *(Source: City Charter Section 1016)*
 - iii Decision-making authority on resource alteration permits and landmark alteration permits as well as actions to remove a heritage resource from the list of heritage resources. These decisions are final unless appealed to the City Council.
 - iv Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits.
 - v Recommendations to City Council on new heritage resource and landmark sites and districts (including buildings, landscapes, and other artifacts that are considered significant in Sunnyvale's history).
 - vi Recommendation to the City Council on Heritage Housing and other heritage zoning districts.
 - vii Participation in the development and promotion of museums and City archives.
- (f) Housing and Human Services Commission
 - i Review and make recommendations on the Housing and Community Revitalization Sub-Element and Socioeconomic Element of the General Plan.
 - ii Review proposed funding policies and grant applications by eligible housing and human service* agencies for Community Development Block Grant (CDBG) HOME and/or other available funds for public services and/or housing projects, and

COUNCIL POLICY MANUAL

make funding recommendations to Council in response to the proposals received.

- iii Hold public hearings on draft HUD Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to Council regarding the content of those plans.
- iv In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the Council has established an advisory board or commission, unless dual responsibility therefore is explicitly authorized by a City Council-approved Agenda Calendar or work plan.
- v Study, evaluate and recommend policies relating to human rights and human relations issues related to housing and human services* in Sunnyvale.

*human services as defined by Council Policy 5.1.3

(g) Parks and Recreation Commission

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

COUNCIL POLICY MANUAL

recreation facilities, program accessibility and cultural diversity.

(h) Personnel Board

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

(i) Planning Commission

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

COUNCIL POLICY MANUAL

revised specific plans as well as related applications considered at the same time as a legislative action.

- vii Review and make recommendations on the entire General Plan (all Elements and Sub-elements) as updates and amendments are considered.
 - viii Review and act on environmental documents in compliance with the California Environmental Quality Act (CEQA), when related to any of the above actions.
- (j) Sustainability Commission
- i. Advise Council on policy issues addressing sustainability goals.
 - ii. Advise Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
 - iii. Periodically review policies governing specific practices, such as greenhouse gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
 - iv. Advise Council on ways to drive community awareness, education, and participation in best practices.
 - v. Review and make recommendations to Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

(III) Additional Duties

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

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

The city manager shall appoint a staff liaison to support each board and commission.

In addition to their role as advisors to the Council, boards and commissions serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link between the community and the City,

COUNCIL POLICY MANUAL

explaining City programs and recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception: during a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

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

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

COUNCIL POLICY MANUAL

Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

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

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

Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter.

(Source: Community Engagement Sub-Element 7.2C.5(a))

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

- (I) Consult with the board/commission chair. If possible, this is the preferred course of action.
- (II) Consult with the Mayor.
- (III) Consult with another Councilmember.

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

- (I) The Mayor.
- (II) The Council Subcommittee on Bylaws.
- (III) The full Council.

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

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

COUNCIL POLICY MANUAL

- Utilize staff time efficiently and effectively

K. Recognition

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

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

L. Resignation/Completion of Term

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

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

M. Sanctions

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

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from

COUNCIL POLICY MANUAL

disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

N. Investigations

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

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

It shall be the Mayor and/or the Council’s responsibility to determine the next appropriate action. These actions include, but are not limited to: take no further action; discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

O. Removal

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

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

P. Administrative Policies

COUNCIL POLICY MANUAL

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

Q. Council Liaisons to Boards and Commission

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

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

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

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

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

R. Bylaw Revisions

Boards and commissions may craft additional bylaw provisions specific to themselves as long as they do not conflict with Sections A through P above. Any additional bylaw provisions must be approved by the City Council.

S. Council Subcommittee

COUNCIL POLICY MANUAL

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

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

Lead Department: Office of the City Manager