



# City of Sunnyvale

## Notice and Agenda Housing and Human Services Commission

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Wednesday, September 21, 2016

7:00 PM

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

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### Special Meeting

#### CALL TO ORDER

#### SALUTE TO THE FLAG

#### ROLL CALL

#### ORAL COMMUNICATIONS

*This category provides an opportunity for members of the public to address the 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 commissioners to take action on an item not listed on the agenda. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary. Individuals are limited to one appearance during this section.*

#### CONSENT CALENDAR

- 1.A [16-0811](#) Approve the Housing and Human Services Commission Minutes of July 27, 2016

**Recommendation:** Approve the Housing and Human Services Commission Minutes of July 27, 2016 as submitted.

#### PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [16-0851](#) Review of 2015-16 Consolidated Annual Performance Evaluation Report (CAPER)

**Recommendation:** Alternative 1: Approve the draft CAPER as presented in Attachment 1.

- 3      [16-0891](#)      Annual Review of the City Code of Ethics and Conduct

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

- 4      [16-0894](#)      Propose and/or review new Study Issues and Budget Issues

**NON-AGENDA ITEMS & COMMENTS**

-Commissioner Comments

-Staff Comments

**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 website at [sunnyvale.ca.gov](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

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**16-0811**

**Agenda Date:** 9/21/2016

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**SUBJECT**

Approve the Housing and Human Services Commission Minutes of July 27, 2016

**RECOMMENDATION**

Approve the Housing and Human Services Commission Minutes of July 27, 2016 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft

### Housing and Human Services Commission

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Wednesday, July 27, 2016

7:00 PM

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

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#### **CALL TO ORDER**

Chair Evans called the meeting to order at 7:05 p.m.

#### **SALUTE TO THE FLAG**

Chair Evans led the salute to the flag.

#### **ROLL CALL**

**Present:** 6 - Chair Patti Evans  
Commissioner Diana Gilbert  
Commissioner Joshua Grossman  
Commissioner Minjung Kwok  
Commissioner Narendra Pathak  
Commissioner Elinor Stetson

**Absent:** 1 - Commissioner Dennis Chiu

**Commissioner Dennis Chiu (excused absence)**  
**Council Liaison Jim Griffith (present)**

Chair Evans noted two new commissioners, she welcomed them, and asked staff and other commissioners to introduce themselves.

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

**1.A**      [16-0710](#)      Approve the Housing and Human Services Commission  
Minutes of May 18, 2016

Chair Evans asked if anyone wanted to discuss the item on the consent calendar.  
No one did. Chair Evans asked for a motion.

Commissioner Gilbert moved and Commissioner Kwok seconded the motion to

approve the Housing and Human Services Commission Minutes of May 18, 2016 as submitted. The motion carried by the following vote:

**Yes:** 6 - Chair Evans  
Commissioner Gilbert  
Commissioner Grossman  
Commissioner Kwok  
Commissioner Pathak  
Commissioner Stetson

**No:** 0

**Absent:** 1 - Commissioner Chiu

Chair Evans noted that agenda item 3 would be heard before agenda item 2 to accommodate the members of the public present.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

- 3**      [16-0574](#)      Consider Charities Housing Development Corporation Proposal for \$403,000 in BMR In-Lieu Fee (BIF) Funds for Rehabilitation of Stoney Pine Villa Apartments at 267 W. California Ave.

Assistant Planner Shila Behzadiaria gave a brief report on the Charities Housing proposal to rehabilitate Stoney Pine Villa Apartments, a 23-unit affordable rental property for tenants with developmental disabilities, located at 267 W. California Avenue. She noted that Charities had originally applied for and been awarded \$201,000 in CDBG Revolving Loan funds for this project, but the project was not initiated as scheduled due to workload issues. Charities Housing has now resubmitted and slightly expanded the scope of work for the project, and is requesting \$403,000 in BIF funds instead of the CDBG funds. If this request is successful, the CDBG award would be rescinded and those funds would become available for reallocation to other projects in the next fiscal year.

Commissioners asked what changed in the scope of work to justify the increase in funds requested and why had the project been delayed.

Staff explained that the scope of work was expanded slightly to include a more comprehensive rehabilitation of the property's interior and exterior, including the parking area. Staff also noted that the cost of construction has also gone up significantly since 2014 when they originally applied for CDBG funds, and that the amount of funding available at that time had forced Charities Housing to limit the

scope of work to the most urgently needed work items.

Staff added that the other two projects that Charities Housing had in Sunnyvale, Parkside Studios and two senior group homes, had taken priority over the Stoney Pine project. In addition, the Housing staff also had significant workload issues with a number of urgent projects such as the winter shelter relocation and other capital projects.

Charities Housing staff Maureen Wormley described the services provided to residents of Stoney Pine Villa.

Chair Evans opened the public hearing at 7:32 p.m.

Sue Serrone, member of the public, spoke in favor of the project and inquired about the property's waiting list. Charities staff noted that they had just closed their waiting list and noted that there is very little turnover in these units so they don't keep a large waiting list.

Chair Evans closed the public hearing at 7:40 p.m.

Chair Evans asked for a motion.

Commissioner Pathak moved to approve Alternative 1; Commissioner Gilbert offered a friendly amendment to restate the motion as "recommend to approve." Commissioner Pathak accepted the friendly amendment, and Commissioner Gilbert seconded the motion to Recommend to Council Alternative 1: Award a one-year conditional commitment of BIF in the amount of \$403,000 to Charities for rehabilitation of Stoney Pine consistent with the terms described in Attachment 4. The motion carried by the following vote:

**Yes:** 6 - Chair Evans  
Commissioner Gilbert  
Commissioner Grossman  
Commissioner Kwok  
Commissioner Pathak  
Commissioner Stetson

**No:** 0

**Absent:** 1 - Commissioner Chiu

**2**      [16-0712](#)      Overview of the Lawrence Station Area Plan and Draft  
Environmental Impact Report (EIR)

Planning Officer Andrew Miner gave an overview of the Lawrence Station Area Plan (LSAP) and draft EIR.

Planning Officer Miner noted that, although no formal action on the LSAP was requested from the commission at this time, he wanted to provide an update on the LSAP because he had come to this commission for input earlier in the process, and commissioner Jeong, whose term ended in June 2016, had served on the LSAP citizen's advisory committee as the commission's representative.

Mr. Miner explained that the LSAP effort began a few years back, when the Planning Commission sponsored a study issue to explore options for increasing ridership and improving circulation at the Lawrence Caltrain Station.

The Lawrence Station is located at 137 San Zeno Way, right under the Lawrence Expressway overpass that connects Reed Avenue to Kifer Road, next to Costco. It is one of the few Caltrain stations that does not have bus service, and during the LSAP community outreach phase, it became evident that some residents were not aware of the train station at all. Those riders who do know it is there do not feel safe traveling to and from the station in the evenings, due to poor lighting and inadequate sidewalks.

The LSAP citizens advisory committee came up with the concept of flexible mixed-use zoning around the station to allow the area to develop organically. The vision is to create a transit village that thrives with activity during the day and evening, and can be a live-work area. In order to not let any one type of development dominate the area, some interim caps would be put in place and checked every couple of years to assess if the limits need to be adjusted.

The LSAP includes an affordable housing and anti-displacement strategy which is intended to provide opportunities to develop affordable housing with minimal impact on current residents. The EIR included mitigating policies which have been included in the plan: 1) No increased development capacity on existing residential areas, to avoid displacement of residents; 2) create incentives and local bonuses to encourage production of affordable housing units; 3) reduce parking requirements for projects with access to transit; 4) provide financial assistance for affordable housing development; and 5) make affordable housing a priority.

Planning Officer Andrew reviewed the interim zoning provisions and incentives that are in the draft LSAP.

He added that the draft LSAP will be considered by the Planning Commission in

September, and by the City Council in October.

Chair Evans opened the public hearing at 8:13 p.m.

Don Tran, representing the Silicon Valley Leadership Group, spoke in support of the plan, but suggested starting with a higher minimum density of 40 units per acre in areas within 1/2 mile of the station. He also suggested maintaining a balanced ratio of market-rate to affordable housing to reflect the range of needs. And lastly, he asked that the jobs-to-housing balance assumptions be revisited in order to avoid an imbalanced jobs-to-housing ratio.

Sue Serrone, member of the public, spoke in favor of the plan and had some questions about the affordable housing caps in mixed used projects.

Chair Evans closed the public hearing at 8:25 p.m.

Chair Evans thanked staff for the presentation, and the hard work by the LSAP committee and staff.

#### **4**      [16-0711](#)      Election of Officers for FY 2016-2017

Chair Evans asked if anyone was interested in serving as Chair and opened the floor for nominations.

Commissioner Pathak nominated Chair Evans for the office of Chair.

Chair Evans accepted the nomination and asked if anyone else was interested in serving. No one did. Chair Evans closed the floor for nominations and opened the floor for discussion.

Commissioner Evans was elected to the Office of Chair for FY 2016-17 by acclamation.

Chair Evans asked if anyone was interested in serving as Vice Chair and opened the floor for nominations.

Chair Evans nominated Commissioner Kwok for the office of Vice Chair and Commissioner Kwok accepted the nomination.

Chair Evans closed the floor for nominations and opened the floor for discussion.

Commissioner Kwok was elected to the Office of Vice Chair for FY 2016-17 by



acclamation.

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

Chair Evans asked if there were any new potential study issues that they would like to discuss at this time. There were no new items.

**NON-AGENDA ITEMS & COMMENTS**

**-Commissioner Comments**

Commissioner Gilbert requested some educational materials for new commissioners at the next meeting related to meeting protocol, parliamentary procedures, etc.

Commissioner Grossman commented that he was used to meetings that were more structured and formal and suggested adhering to parliamentary procedures more closely during public hearing discussions.

Councilmember Griffith explained that following parliamentary procedures helps prevent any perception of disparity in how members of the public are allowed to interact with staff or commissioners during the hearing. He added that starting to enforce protocol in the middle of a meeting is very difficult, and that only by being impartial and consistent all the time can one be fair to everyone.

**-Staff Comments**

None.

**ADJOURNMENT**

Chair Evans adjourned the meeting at 8:41 p.m.



# City of Sunnyvale

## Agenda Item

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16-0851

Agenda Date: 9/21/2016

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### REPORT TO HOUSING AND HUMAN SERVICES COMMISSION

#### **SUBJECT**

Review of 2015-16 Consolidated Annual Performance Evaluation Report (CAPER)

#### **BACKGROUND**

The CAPER is an annual performance report on the housing and community development activities funded by two federal grants received annually by the city: the Community Development Block Grant (CDBG) and the HOME Investment Partnership Programs grant (HOME). The CAPER describes the accomplishments and current status of each of the grant-funded activities identified in the 2015-16 HUD Action Plan, and has been prepared in compliance with HUD requirements.

The period covered by the draft CAPER, provided in **Attachment 1**, is fiscal year (FY) 2015-16, which marks the beginning of the new Five-Year Consolidated Plan (2015-2020). The CAPER is required by the U.S. Department of Housing and Urban Development (HUD), the federal agency which administers these grants. It must be submitted to HUD by September 30 of each year in order to maintain the City's ongoing eligibility for these grants.

#### **EXISTING POLICY**

##### **2015-2020 HUD Consolidated Plan:**

- |        |  |
|--------|--|
| Goal A | Assist in the creation, improvement, and preservation of affordable housing for lower-income and special needs households. |
| Goal B | Alleviation of Homelessness  |
| Goal C | Support provision of essential human services, particularly for special needs populations.                                 |
| Goal D | Expanding Economic Opportunities   |

#### **ENVIRONMENTAL REVIEW**

This matter is not a project within the meaning of CEQA, because the creation of government funding mechanisms or other government fiscal activities, such as annual grant reporting, do not involve commitments to any specific project which may result in a potentially significant physical impact on the environment (CEQA Guideline 15378(b)(4)).

#### **DISCUSSION**

##### **Eligible Uses of the Grants**

The CDBG and HOME grants may only be used for activities that will primarily benefit the City's lower-income residents and neighborhoods. CDBG funds may be used for housing and community development activities, such as: housing rehabilitation, public services, public improvements and facilities, economic development, and certain other narrowly-defined community development

activities. HOME grants may only be used for the creation and preservation of housing affordable to lower-income residents, specifically: new construction, acquisition, and/or rehabilitation of deed-restricted affordable rental housing, tenant-based rental assistance (TBRA), or down-payment assistance programs. Both grants allow a limited amount of the funds to be used for program administration by the City. The draft CAPER confirms that the City has complied with these spending limitations during the past fiscal year.

### **Grant Reporting Requirements**

The HOME and CDBG grants are subject to various federal regulations that impose certain reporting requirements and expenditure time limits on all grantee jurisdictions. The primary reporting requirements are the following:

- Five-Year Consolidated Plan ("ConPlan"). The ConPlan is a five-year strategic plan that identifies the housing and community development needs of lower-income residents and neighborhoods of the City, based on community input. The ConPlan also prioritizes these needs, identifies funding available to the City to address them (primarily the CDBG and HOME grants), and establishes annual goals and objectives to meet the identified needs using the grant funds.
- Annual Action Plans. The Action Plan is essentially a one-year budget and grant application describing the proposed uses of the City's CDBG and HOME funds during the coming fiscal year. HUD must approve each Action Plan on or before July 1 of each year so the City can begin using the grant funds. Each Action Plan is appended into the ConPlan after approval by HUD.
- Annual Performance Report ("CAPER"). The CAPER describes each grantee jurisdiction's progress in implementing its most recent Action Plan. It includes a summary of the City's grant expenditures and the accomplishments of the grant-funded activities, most of which are implemented by non-profit agencies or "sub-recipients". The City must prepare and submit the CAPER to HUD within ninety days of the end of each fiscal year. The CAPERs allow both local and federal stakeholders to see how grantees around the country are using these HUD grants, and how well the grant-funded activities are performing.

The above plans and reports must be shared in draft form with the community in order to give local stakeholders an opportunity to comment and request changes before they are submitted to HUD. The City publishes notices in the Sunnyvale Sun and on its website, and holds public hearings before the Housing and Human Services Commission (and Council, in the case of the ConPlan and Action Plans) before each draft plan is finalized and sent to HUD.

The City's 2015-2020 ConPlan and most recent Action Plans and CAPERs are posted on the Housing Division's webpage at: [HUDPrograms.inSunnyvale.com](http://HUDPrograms.inSunnyvale.com)

### **Draft 2015-16 CAPER**

The draft CAPER describes the progress made towards achieving the housing and community development goals and objectives identified in the ConPlan and FY 2015-16 Annual Action Plan. The CAPER was prepared using accomplishment data reported by the City's sub-recipients, borrowers and sub-grantees. In general, the City's activities were successfully implemented during the past fiscal year, and many lower-income households benefitted from the programs or projects

funded by the grants. These activities helped a number of residents obtain jobs, housing, and human services addressing basic needs.

One of the most notable accomplishments of the past year was the completion of the Onizuka Crossing affordable housing project, which is now providing affordable housing to 57 very low income households, including 29 formerly homeless households, and to one on-site manager. Rehabilitation of two group homes for seniors (Klee and Wolfe) was also completed. The Crescent Terrace rehabilitation project, funded in 2015, is currently underway and will preserve Crescent Terrace as affordable rental housing for very low and low-income seniors. In addition, two other major activities funded during the past fiscal year, the Tenant Based Rental Assistance (TBRA) and WorkFirst Sunnyvale Programs, have continued to be very successful in helping homeless and at-risk households obtain regular paid employment and permanent housing. Further detail on the specific accomplishments achieved through these activities is provided in the draft CAPER (Attachment 1).

Comments provided by the Commission and/or members of the public during or prior to the hearing will be addressed in the final CAPER. Written comments received during the comment period, which runs from September 5 to September 21, will be included with the CAPER upon submittal to HUD.

### **FISCAL IMPACT**

There is no cost or fiscal impact related to approving this report, however timely submission of the CAPER allows the City to remain in good standing as a CDBG and HOME grantee and continue receiving both grants.

### **PUBLIC CONTACT**

Public contact was made through posting of the Housing and Human Services Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

Notice of a public hearing, including a 15-day public comment and review period, was published in a legal advertisement in the *Sunnyvale Sun* newspaper on September 2, 2016. A copy of that notice is included in the CAPER. The draft CAPER was made available for public review at the One-Stop Permit Center at City Hall and at the Sunnyvale Library, and was posted on the City Housing website for the 15-day review period.

### **ALTERNATIVES**

1. Approve the draft CAPER as presented in **Attachment 1**.
2. Approve the draft CAPER with modifications.

### **RECOMMENDATION**

Alternative 1: Approve the draft CAPER as presented in **Attachment 1**.

Prepared by: Katrina L. Ardina, Housing Programs Analyst  
Reviewed by: Suzanne Isé, Housing Officer  
Approved by: Trudi Ryan, Director, Community Development

**ATTACHMENTS**

1. Draft CAPER



**DRAFT**

***CITY OF SUNNYVALE***

***CONSOLIDATED ANNUAL  
PERFORMANCE EVALUATION REPORT  
(CAPER)***

***For Fiscal Year 2015-16:  
July 1, 2015 - June 30, 2016***

***Community Development Block Grant (CDBG) and  
Home Investment Partnership Program (HOME)***

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## EXECUTIVE SUMMARY

The City of Sunnyvale's FY 2015-2016 *Consolidated Annual Performance Evaluation Report (CAPER)* describes the progress made towards achieving the housing and community development goals identified in the City's *Five-Year (2015-2020) Consolidated Plan*, focusing on the goals and programs identified in the FY 2015-16 Action Plan, and includes activities funded in previous fiscal years with accomplishments reported during FY 2015. The FY 2015-16 CAPER covers the time period starting July 1, 2015 to June 30, 2016 and is the first annual report of the Consolidated Plan period. This CAPER was prepared for the City of Sunnyvale by the Housing Division of its Community Development Department, in compliance with U.S. Department of Housing and Urban Development (HUD) requirements. The document is a tool used by HUD and the City to evaluate accomplishments and actions taken during the previous program year.

### Summary of the Consolidated Plan Process

The City of Sunnyvale receives annual grants of federal Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds from the United States Department of Housing and Urban Development (HUD). HUD provides these funds to the City for various activities benefiting low income persons and areas, such as affordable housing, public services, public improvements, and other community development activities.

As a recipient of these funds, the City is required to prepare a five-year strategic plan called a Consolidated Plan. The Consolidated Plan identifies the housing and community development needs of lower income persons and areas within the City, prioritizes these needs, identifies resources to address them, and establishes annual goals and objectives to meet the priority needs. As part of the Consolidated Plan Planning process, the City is required to produce an Action Plan for each fiscal year of the Consolidated Plan. The Action Plan establishes the community's objectives for meeting the needs described in the Consolidated Plan; identifies resources available within the community to meet Consolidated Plan goals; and describes a one-year plan and budget for the intended use of the City's CDBG and HOME funds, and any other HUD funds that may be available. After the end of the fiscal year, the City prepares a Consolidated Annual Performance and Evaluation Report (CAPER) to report the City's progress in meeting the goals and priorities in its Consolidated Plan.

In FY 2015-16, the City met most of the annual goals that were identified in its 2015-16 Action Plan and/or Strategic Plan.<sup>1</sup> The CAPER focuses on projects and programs funded with CDBG and HOME funds.

The City of Sunnyvale CAPER for FY 2015-16 was prepared with input from local non-profit agencies, the Housing and Human Services Commission, and interested members of the public. Written comments were encouraged and any comments submitted have been addressed within the CAPER.

### Federal Resources

The City received entitlement grants of \$989,453 in CDBG funds and \$281,021 in HOME funds for FY 2015-16. In addition, \$157,374 in disencumbered and/or reallocated prior year CDBG grant funds were allocated for FY 2015-16 projects. The City also received \$264,284 in CDBG

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<sup>1</sup> The Strategic Plan is a part of the City's Consolidated Plan, and it identifies the use of available resources to meet the needs identified in the Consolidated Plan.



program income (loan payments), of which \$127,936 was deposited into the City's established Housing Rehabilitation Revolving Loan Fund, and the balance was allocated to eligible CDBG activities in the City's FY 2015-16 Action Plan. A total of \$533,118 in HOME program income was received during the program year from HOME loan payments. These funds were allocated to eligible HOME activities.

## CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a) This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Two of the most important goals in the 2015 ConPlan and the 2015 Action Plan were affordable housing and alleviation of homelessness. The highlights and initiatives described below are all designed to address one or both of these goals.

### Highlights:

During the Program Year (2015-16), the City and its partner agencies completed several major affordable housing projects funded in prior year Action Plans:

- Onizuka Crossing: new construction of an affordable rental project of 58 units, funded in part with City HOME funds and local City housing funds, that includes 29 supportive housing units for homeless applicants, including 6 units for homeless veterans supported with VASH vouchers. Developer/borrower was MidPen Housing Corp., a local non-profit affordable housing developer.
- Jackson Street Homes Renovation: rehabilitation of two transitional housing structures for homeless youth / young adults who are pregnant or parenting. A total of 5 apartments and one group home with 4 bedrooms was renovated with funding from the City's CDBG Revolving Loan Fund (RLF) and a match from the Housing Trust of Silicon Valley. Property owner/borrower was Bill Wilson Center, a local non-profit agency that is a national leader in addressing youth homelessness and also provides a variety of counseling services to the wider community.
- Senior Group Homes Renovation: rehabilitation of two group homes for formerly homeless and/or at-risk seniors, funded by the RLF and a match from the Housing Trust. These homes were recently acquired by Charities Housing Corp., a local community based housing developer (CHDO), after the prior non-profit owner was dissolved.

The accomplishment statistics for the three projects listed above are not included in Table 1, as they were funded and planned as goals under the prior ConPlan (2010-15) but not completed until FY 2015-16, so they are included instead in Table 1.A on Page 6, which summarizes the accomplishments of the 2010-2015 period and those of the final year of that period (2014-15).

### Initiatives:

- Tenant-Based Rental Assistance (TBRA) Program: the City's TBRA program, funded with HOME funds, provides rental assistance similar to a Section 8 voucher but only for a period of two years, to homeless clients and very low income households at immediate risk of homelessness. Clients must either be working, job-seeking, or have the ability to obtain employment or other sources of income after the two-year period ends, so that they can take over their full rent payment at that time. The clients are provided with case

management and housing search assistance by partnering non-profit agencies to help them find units, maintain or obtain employment and benefits, and address related needs. After several years as a pilot effort, the program is now operating at full capacity with as many clients leased up as the current funding allows. It is now administered directly by Abode Services, a non-profit agency, rather than the prior administrative agencies, and that has significantly improved program success, utilization rate, and effectiveness.

- WorkFirst Sunnyvale Program: this is the City's innovative program, funded by CDBG as an employment development activity, that provides workforce training, job-search skills, volunteer experience, career counseling, and case management to homeless clients, as well as supportive services such as food assistance, mainstream benefits enrollment, and housing assistance. The program is implemented by two agencies which also collaborate closely with the City on implementation of the TBRA program, Sunnyvale Community Services and Downtown Streets Team (DST). The two programs complement each other in the effort to help people get and maintain jobs and housing.

Through participation in volunteer activities, which included neighborhood clean-up efforts such as litter removal, the Sunnyvale DST Team Members (program clients) developed a sense of belonging and stewardship in their community, which is a difficult to measure but extremely important aspect of sustained recovery from homelessness. Some of the successes achieved by the program recently include convincing a couple that had been camping in a city park and resisting outreach efforts to participate in the program. One member of the couple was a decorated Air Force officer, and was determined eligible for HUD-VASH. The WorkFirst Sunnyvale program staff helped the couple apply for and move into the new Parkside Studios project, a HOME-assisted project completed in 2015, with the assistance of the VASH voucher. The veteran is now regularly advocating for affordable housing in regional venues and media platforms. Another recent graduate of the program is a 19 year-old young man who was homeless. After joining the WorkFirst Sunnyvale program, he completed job training, enrolled in the local Job Corps, and has since obtained employment in the security field and housing.

- Crescent Terrace Apartments Renovation: rehabilitation of a 48-unit affordable rental property for lower-income seniors, owned by MidPen Housing Corp. This project is currently in progress with a target completion date in February 2017.

Table 1 below summarizes major accomplishments achieved during the Program Year (2015-16) which was the first year of the new ConPlan period. Table 1A below that summarizes the accomplishments planned in 2014-15 but completed during the Program Year, which are attributable to the prior 5-year ConPlan period (2010-15).

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g) Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

**Table 1 Accomplishments: Program Year & Strategic Plan to Date (FY 2015-16 and 2015-2020 Plan Total to Date)**

Goal	Category	Amount Budgeted	Indicator	Unit of Measure	5-Year Goal	5-year Results	% of 5-Y Goal	1-Year Goal	1-Year Result	% of 1-Y Goal
<b>Affordable Housing</b>	Rental Housing Rehabilitation	CDBG: \$500,000 HOME: \$550,000	Units rehabilitated	<i>Housing Units</i>	50	0	0%	10	0	0% (In Progress)
<b>Affordable Housing</b>	Home Improvement Program	CDBG: \$177,936	Owner-occupied homes improved	<i>Housing Units</i>	50	13	26%	10	13	70%
<b>Affordable Housing</b>	Fair Housing	CDBG: \$20,000	Services Provided	<i>House-holds</i>	100	31	31%	20	31	155%
<b>Alleviate Homelessness</b>	Tenant-based Rental Assistance	HOME: \$270,000	Units leased	<i>House-holds</i>	50	27	54%	10	27	270%
<b>Alleviate Homelessness</b>	CBDO Economic Development Activity	CDBG: \$395,000	<i>Services provided</i>	<i>Individuals</i>	300	54	18%	60	54	90%
<b>Expand Economic Opportunities</b>			Jobs created or retained	<i>Jobs</i>	60	34	57%	12	34	283%
<b>Community Development</b>	Public (Human) Services	CDBG: \$215,000	Services Provided	<i>Individuals</i>	2,670	434	16%	534	434	81%

**Table 2A: Prior 5-Year Plan (2010-2015)  
Year 5 (FY 2014-15) and Cumulative 5-Year Accomplishments**

<b>Goal/Objective</b>	<b>Unit of Measure</b>	<b>Year 5 (FY 2014-15) Result</b>	<b>Cumulative Plan Results 2010-15</b>	<b>5-Year Plan Goal</b>	<b>% of 5-Year Goal Accomplished</b>
<b>Goal A: Affordable Housing</b>					
1.a) Affordable rental housing for lower income households (E)	<i>Housing Units</i>	48	298	100	298%
3.a) Home Improvement Program (E)	<i>Housing Units</i>	13	91	100	91%
4.a) Fair Housing Services	<i>Households</i>	3	164	150	109%
<b>Goal B: Alleviation of Homelessness</b>					
1.b) Alleviate Homelessness	<i>Households</i>	27	108	50	216%
<b>Goal C: Other Community Development Efforts</b>					
1.c) Public (Human) Services	<i>Households</i>	429	8,707	9,850	88%
2.c) Maintain / Expand Community Facilities and Infrastructure	<i>ADA curb cuts</i>	0	349	400	87%
	<i>Linear Feet of Sidewalk</i>	0	7,431	6,000	124%
<b>Goal D: Expand Economic Opportunities</b>					
1.d) CBDO Employment Development	<i>Individuals</i>	54	208	50	432%
<b>Goal E: Environmental Sustainability</b>					
1.e) Support Energy Efficiency/Renewable Energy	Addressed by various activities indicated with an (E) above				

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

### Assessment of One Year Goals – FY 2015-16

The highest priority in Sunnyvale in recent years has been expanding affordable housing supply and addressing homelessness. Both of these issues are major challenges facing the greater region (Silicon Valley and larger San Francisco Bay Area) as well as in many major metro areas around the U.S. in recent years. Sunnyvale has a long tradition of innovative policies and actions designed to address affordable housing, homelessness, and related priorities. The 2015-2020 Consolidated Plan focuses on expanding and preserving the existing supply of affordable housing, improving neighborhoods and increasing accessibility for persons with disabilities, alleviating homelessness, and supporting programs that help lower-income and special needs residents meet their basic needs in order to thrive in the community. All of these have been identified as priority needs in Sunnyvale. The majority of funding covered by the Action Plan was used to address these affordable housing, homelessness, and related priority needs, as shown in the table above and described below.

#### **AFFORDABLE HOUSING**

Funding for housing-related priority needs was provided in accordance with the FY2015-16 Action Plan, as follows:

##### **1. Support affordable rental housing for lower income households**

- *Housing projects initiated or in progress in FY 2015-16:*

##### Crescent Terrace Rehabilitation Project (48 affordable senior rental units)

130 Crescent Avenue, Sunnyvale

*Borrower:* MidPen Housing Corp.

Loan of \$1.05 million: \$550,000 HOME; \$500,000 CDBG

This project is currently in progress. Escrow on this loan closed in May 2016. The rehabilitation work began in September and is planned for completion by February 2017.

- *Housing projects funded in FY 2014/15 or earlier and completed during the program year:*

##### Sunnyvale Senior Group Homes Rehabilitation Project (3 dwelling units, total of 9 tenants)

1230 Klee Court and 1675 S. Wolfe Road, Sunnyvale

*Borrower:* Sunnyvale Senior Homes, LLC, affiliate of Charities Housing

CDBG: \$165,000 in revolving loan funds (RLF)

Rehabilitation of a duplex and a single family home, both of which operate as group homes for a total of nine extremely low income seniors. This project was completed in June 2016.

##### Onizuka Crossing Housing Development (58 affordable rental units, including 10 HOME units)

620 E. Maude Avenue, Sunnyvale

*Borrower:* MP Armory Apartments, LP (affiliate of MidPen Housing Corp.)

HOME Loan: \$1.3 Million

This new affordable rental development serves very low income households, with 29 units reserved for homeless applicants, including 6 homeless veterans (VASH recipients). The project includes 10 HOME units and was completed in June 2016. HUD Secretary Julián Castro paid a visit to the site shortly before it was completed to attend a regional homeless summit hosted by Congressman Mike Honda. This project was the result of a 2005 Base Realignment and Closure (BRAC) process which set forth the closure of the former Onizuka Air Force Station (AFS) in Sunnyvale and included a “Homeless Housing Submission” to HUD for land at the former AFS, which was later swapped for the present project site, with HUD permission. The project was named in honor of late astronaut Ellison Onizuka, who trained at the Onizuka AFS (then named Sunnyvale AFS) for a brief time and later perished in the 1986 Space Shuttle Discovery disaster. See photos of the project below.



*Interior courtyards at Onizuka Crossing*

Jackson Street Transitional / Maternity Homes Rehabilitation Project (6 units, 9 tenants)

1284 and 1294 Jackson Street, Santa Clara

*Borrower:* Bill Wilson Center

CDBG Loan: \$45,000 in RLF

Rehabilitation of a single family group home and a 5-unit apartment building, both of which are used as transitional homes for homeless pregnant or parenting young adults. This project was funded in FY 2014-15 and completed in July 2015.



*Jackson Street Homes (apartments on left, group home on right)*

- *Housing project disencumbered during the program year:*

Stoney Pine Apartments Rehabilitation Project

267 W. California Street, Sunnyvale

*Borrower:* Charities Housing

CDBG Commitment: \$199,000 in RLF for rehabilitation of 23 apartments for developmentally disabled tenants.

Charities Housing did not begin the project as soon as initially planned, due to workload issues related to other projects then underway (e.g., Parkside and the Senior Group Homes). When those projects were completed, construction costs had increased, and a slightly larger scope of work was needed, so Charities chose to decline the CDBG award and instead apply for a larger loan of \$403,000 in local (City) Below Market Rate In-Lieu Fee (BIF) funds. That request was recommended for approval by the Housing and Human Services Commission in July and was approved by Council on September 13. The CDBG funds will be disencumbered and returned to the RLF fund balance for reallocation during the FY 17 Action Plan process. Staff expects this project, with the new funding source, will be completed within twelve months or less.

## **2. Home Improvement Program (HIP)**

Owner-Occupied Housing Rehabilitation Loan Program

Housing rehabilitation is one of the priorities in the five-year Consolidated Plan. The HIP program, available city-wide, provides deferred loans of up to \$60,000 for rehabilitation of owner-occupied, single family homes and up to \$15,000 for mobile homes. During the reporting period, the City provided \$55,300 from its revolving loan fund to fund the substantial rehabilitation of 4 mobile homes. Continued efforts are underway to increase public awareness about the program in order to increase utilization. These efforts include staff attendance at neighborhood meetings and City events, and marketing the program to likely eligible homeowners through various outreach channels including newsletters, blogs, brochures, flyers, email and website postings, and through non-profit partners.

Home Access, Paint, and Emergency Repair Program



This program assists special needs and very low-income households, and is available city-wide. Nearly \$12,000 was expended to provide accessibility improvements at three homes occupied by disabled persons, including installation of electric wheelchair lifts at mobile homes. Approximately \$14,000 was issued in grants to provide paint and/or emergency repairs to six homes.

#### Energy Efficiency Matching Grant Program

This pilot program began in FY 2010 as an option typically combined with a rehabilitation loan on a single-family home. One matching grant of \$3,480 was provided to replace an aging air conditioning unit with a high efficiency unit. Staff continues to collaborate with the other City Departments and the County to market this program, in conjunction with similar efforts provided through the CA Energy Upgrade program.

### **3. Fair Housing Services**

#### Fair Housing

The Law Foundation of Silicon Valley provides fair housing services to Sunnyvale residents. These services include fair housing outreach and education, investigation of housing discrimination complaints, conciliation of fair housing disputes, and legal representation for those who need legal redress for harms caused by housing discrimination. A total of 31 Sunnyvale clients received fair housing services funded by the CDBG grant to the Law Foundation during the program year.

The City continues to support fair housing efforts by providing information to the public about fair housing through the Housing Division's website and monthly e-newsletter, by posting flyers and brochures in various public facilities, sharing information with regional community organizations via listservs etc., and by organizing fair housing outreach events in April of each year.

### **ALLEVIATION OF HOMELESSNESS**

Programs designed to address this need aim to help people who are currently homeless or at imminent risk of homelessness to obtain employment or other sources of income, supportive services, and/or transitional rental assistance (TBRA) to obtain housing and achieve stability.

#### Actions to Address the Needs of Homeless Persons

In the past several years, the City provided financial and related development assistance to enable development of 117 new permanent supportive housing units within the Parkside Studios and Onizuka Crossing projects, completed in 2015 and 2016 respectively.

The City also provided \$394,000 to Sunnyvale Community Services, a Community-Based Development Organization (CBDO) to implement the "Work First Sunnyvale" Workforce Development Program. The program provides job readiness training, job skills training, and job placement to individuals who are currently homeless or at imminent risk of homelessness, working with the local Downtown Streets Team.

The City's Tenant Based Rental Assistance (TBRA) Program, administered by Abode Services, expended \$222,554 in HOME funds during the program year to assist 27 households currently experiencing or at imminent risk of homelessness, to obtain and maintain rental housing through use of TBRA vouchers. Each tenant is provided up to two years of assistance through this program.

### **COMMUNITY DEVELOPMENT**



### **Removal of Architectural Barriers – (ADA Curb Retrofits to Sidewalks and Street)**

During FY 2014/15, the City provided CDBG funding to the Public Works Department to improve accessibility of local sidewalks by completing 60 ADA curb retrofits. Accomplishments were reported during FY 2014/15 and the balance of funds were expended during the program year.

### **Human Services**

The City provided CDBG funding for human services (charitable) programs that serve various special needs clients (seniors, at-risk youth, disabled people, homeless people, domestic violence survivors, etc.). The CDBG grants typically represent just a very small portion of these agencies' overall operating budgets, and they serve many other clients (in Sunnyvale or elsewhere) beyond the numbers noted below, which include only the clients served with the City's CDBG grants for the specific services described below.

**The Bill Wilson Center** provides family and individual counseling services to assist individual youth and their families with emotional and mental health issues. A CDBG grant of \$25,000 was provided to this agency to provide 238 counseling sessions to 42 clients during the year. Additionally, the Bill Wilson Center provides shelter, care, and transitional housing for at-risk youth using other funding sources.

**LifeMoves (formerly known as InnVision Shelter Network)** provides shelter and comprehensive supportive services for Sunnyvale homeless clients at several shelter facilities in San Jose, including one for homeless women with or without children, and two for single adults, one of which serves those with mental health conditions. LifeMoves received \$40,010 in CDBG funds to provide 913 bed nights to 11 homeless Sunnyvale residents. All residents received intensive case management and comprehensive supportive services.

**The Sunnyvale Senior Nutrition Program**, hosted by the First United Methodist Church, provides high-quality, cost effective, hot nutritious meals in a congregate setting, five days a week to Sunnyvale residents age 60 or older. The Senior Nutrition Program received \$15,000 in CDBG funds to provide 1,773 hot meals to 136 Sunnyvale unduplicated older adults.

**MayView Community Health Center** provides primary and preventive health care and childhood immunization to lower-income patients. The FY 2015-16 Action Plan had allocated a grant of \$25,000 to Mayview, but it was never executed, based on guidance provided by HUD staff in the San Francisco Field Office to the Housing Division:

*“The CPD Field Office determined that this was not an eligible activity based on its interpretation of the Uniform Guidance Cost Principles Requirements. Specifically, our determination that there was insufficient delineation of costs incurred through fee-for-service activities and CDBG-assisted healthcare. The crux of the issue remains that a bulk of Mayview’s healthcare funding does not require the clinic to account for actual costs incurred, while CDBG does, and the documentation provided has not been accepted as sufficient for management approval.”*

The determination above was made by HUD upon review of Mayview’s CDBG grant reports and invoices provided for its 2014-15 grant, at the request of City staff following concerns raised by HUD staff during a 2013 monitoring of Mayview. Despite significant efforts by Mayview, with technical assistance from City staff, to demonstrate its actual costs for the CDBG-funded services to HUD’s satisfaction, staff was not able to disburse Mayview’s 2014-15 grant, even though Mayview did perform the services required by the grant agreement. In addition, staff was not able

to issue Mayview's grant contract for 2015-16, because the concerns expressed by HUD were not something that Mayview could address without embarking on extremely time-consuming cost documentation efforts that would exceed the amount of the CDBG grant. A portion of the disencumbered Mayview grant was reallocated to the remaining FY 2016-17 human services programs, to offset a slight reduction that would have otherwise occurred (due to lower funding availability for that year) to match the amounts they were allocated in FY 2015-16. Mayview continues to serve lower-income clients in Sunnyvale as it has for many years, but is not reporting to the City as it is no longer a City grantee. Staff has been very satisfied with Mayview Clinic's performance as a grantee for many years and values its services to the community, and encouraged Mayview to apply for future (non-CDBG) human services grants when such opportunities arise.

**Sunnyvale Community Services (SCS)** provides emergency financial assistance to households in crisis, as well as food, clothing, and other assistance. SCS received \$75,000 in CDBG funds to provide 1,847 bags of healthy, nutritious food to 182 lower-income clients through the Year-Round Food Assistance Program.

**YWCA Support Network** provides crisis counseling and related services to survivors of domestic violence living in Sunnyvale. This program received \$21,928 in CDBG funds from the City to provide a total of 269 sessions of individual counseling, group counseling, support groups, and/or children's play therapy to 66 Sunnyvale residents at its Sunnyvale office, and in other facilities in the City.

## **EXPAND ECONOMIC OPPORTUNITIES**

### "Work First Sunnyvale" Workforce Development Program (CBDO Activity)

Certified as a Community-Based Development Organization (CBDO), Sunnyvale Community Services (SCS) implements this program with the assistance of the Downtown Streets Team (DST), an organization committed to helping homeless men and women rebuild their lives through a volunteer work-readiness program. During the program year, 54 clients graduated from Job Search Skills classes, 34 obtained regular paid employment, and 8 obtained housing. Several program highlights are described in the Goals and Outcomes section above.

**CR-10 - Racial and Ethnic composition of families assisted**

Describe the families assisted (including the racial and ethnic status of families assisted).  
91.520(a)

Table 3 – Assistance provided, by race and ethnicity of household head, and by source of funds

	CDBG	HOME
White	342	24
Black or African American	22	3
Asian	86	2
American Indian or American Native	3	2
Native Hawaiian or Other Pacific Islander	53	0
American Indian/Alaskan Native & White	1	0
Black or African American & White	1	1
Other Multi-Racial	16	5
Total	524	37
Hispanic	234	11
Not Hispanic	290	26

**Narrative**

As reflected in the table above, the City of Sunnyvale's programs served a diverse population generally representative of Sunnyvale residents. The City's outreach materials and agreements with subrecipient agencies require that funded programs be inclusive and accessible to all local populations in a non-discriminatory manner consistent with CDBG and HOME requirements.

## CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Table 4: Resources Made Available

Source of Funds	Resources Made Available	Amount Expended During Program Year
CDBG	\$2,862,840	\$1,177,336
HOME	\$1,427,830	\$395,775

**Narrative**

Table 3 lists the amount of funding available in all CDBG and HOME accounts during FY 2015-16. Of that amount, the amounts shown in the right-hand column were spent during that year. The remaining funds are either being spent currently or will be spent soon on current projects and programs, or will be reallocated to new activities as part of the FY 2017-18 Action Plan.

Identify the geographic distribution and location of investments

Table 5: Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
N/A	N/A	N/A	See below

**Narrative**

The City does not have any target areas for CDBG/HOME investments, as explained further in the ConPlan and Action Plans. Most of the CDBG and/or HOME-funded programs and services are provided on a city-wide basis to income-eligible and/or special needs households. Certain capital projects are assisted at a specific site, based on the location of the project, but projects may be proposed in any area of the City. There are no parts of the City suffering from “blight” or high poverty/unemployment rates that would warrant targeting efforts. Human services programs are delivered in a number of facilities and locations throughout the City, and in some cases just outside the City, as long as Sunnyvale residents are being served by the program. Affordable housing assistance is generally provided anywhere in the City, as opportunities arise, in order to avoid concentration of poverty, and to ensure fair access to affordable rental housing, rehabilitation assistance, and homeownership opportunities in all neighborhoods.

### Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Federal funds are highly leveraged with other sources, as the amount of federal funding available typically constitutes just a small fraction of the total cost of the funded activities. The City encourages non-profit developers to seek private and State sources of funding, both including grants, loans, and/or tax credit financing. Furthermore, as opportunities arise, the City will use its local Housing funds (from impact and in-lieu fee revenues) as appropriate to leverage federal funds and to match HOME funds.

The City continues to support human service agencies with its General Fund, in addition to the CDBG public services funds it provides. This funding is provided through a competitive grant program. The City provided \$135,000 in General funds to human services agencies in 2015-16. The City of Sunnyvale used various sources to fund affordable and supportive housing activities this past year. The City provided federal funds from the following sources: CDBG, CDBG Revolving Loan Fund, and HOME. A number of non-profit agencies provide housing and supportive services in the City. They are partially funded through CDBG and City General funds, with the remainder of funding provided by private and/or other public sector funders. These activities are described under the Human Services Section of this CAPER.

Table 6: Fiscal Year Summary HOME Match Report

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$18,058,153
2. Match contributed during current Federal fiscal year	\$2,201,859
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$20,260,012
4. Match liability for current Federal fiscal year	\$80,266
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$20,179,746

Table 6: Match Contribution for the Federal Fiscal Year

Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match
various	Prior years		\$2,201,850					\$2,201,850

Table 7: HOME Program Income FY 2015-16

Program Income					
Balance on hand at beginning of reporting period	Amount received during reporting period	Total amount expended during reporting period	Amount expended for TBRA	Balance on hand at end of reporting period	
\$65,636	\$533,118	\$236,062	\$222,554	\$344,128	

HOME MBE/WBE report (next page)

**The data for the MBE/WBE report is collected for the federal fiscal year (October 1 through September 30). Since this report was prepared before that period, the data is not yet available, but will be inserted before staff submits the CAPER to HUD.**

Table 8: Minority Business Enterprises and Women Business Enterprises						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Number	16	0	2	1	0	13
Dollar Amount	\$22,724,166	\$0	\$30,185	\$46,500	\$0	\$22,647,481
Sub-Contracts						
Number	45	1	3	0	5	36
Dollar Amount	\$16,632,604	\$187,085	\$814,830	\$0	\$1,562,242	\$14,068,447
	Total	Women Business Enterprises	Male			
Contracts						
Number	16	3	13			
Dollar Amount	\$22,724,166	\$193,817	\$22,530,349			
Sub-Contracts						
Number	45	7	38			
Dollar Amount	\$16,632,604	\$499,429	\$16,133,175			

Table 8: Minority Owners of Rental Property [N/A]

Minority Owners of Rental Property: Number of HOME-assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	n/a	n/a	n/a	n/a	n/a
Dollar Amount	\$0	n/a	n/a	n/a	n/a	n/a

Not Applicable. All of the HOME funds used by the City to assist affordable rental developments was provided to properties owned and managed by non-profit entities, not individual investors.

Table 10: Relocation and Real Property Acquisition

Not Applicable. None of the projects funded with CDBG or HOME funds during this program year involved any tenant relocation or acquisition.



## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

Table 9: Number of Households

	One-Year Goal	Actual
Number of homeless households to be provided affordable housing units *	10	27
Number of non-homeless households to be provided affordable housing units	47	0 (47 in progress)
Number of special-needs households to be provided affordable housing units	47	0 (47 in progress)
Total	104	27

Table 10: Number of Households Supported

	One-Year Goal	Actual
Number of households supported through rental assistance	10	27
Number of households supported through the production of new units*	0	0
Number of households supported through the rehab of existing units*	57	13
Number of households supported through the acquisition of existing units	0	0
Total	67	50

\* Does not include units completed at Onizuka Crossing, Senior Group Homes, or Jackson St., because those projects were goals from an earlier program years.

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City provided a CDBG and HOME loans with a total of \$1,050,000 to MidPen Housing to rehabilitate Crescent Terrace. Escrow on this loan did not close until May 2016 and construction will begin shortly. The project is expected to be complete by February 2017.

Discuss how these outcomes will impact future annual action plans.

The City anticipates that the Crescent Terrace rehabilitation project will be completed in early Spring 2017, and staff projects meeting all or virtually all of the goals in the 2015-2020 Consolidated Plan by the end of 2020, barring any major unforeseeable events that would prevent the City from doing so, and assuming that the federal funds for these grants continue to be appropriated annually by Congress.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine

the eligibility of the activity.

Table 11: Number of People Served

Number of People Served	CDBG Actual	HOME Actual
Extremely Low Income (up to 30% of Area Median)	263	37
Very Low Income (30% - 50% of AMI)	227	0
"Moderate" Income (51% - 80% of AMI, generally referred to as "Low Income" in California)	26	0
Total	516	37

#### Narrative Information

In total, the CDBG and HOME funds expended by the City during the program year provided programs and services to 553 people. Of those beneficiaries, 300 had extremely low incomes, 227 had very low incomes, and 26 had low incomes (referred to as "moderate" by the federal CDBG program).

## CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The WorkFirst Sunnyvale, West Valley Haven to Home, and LifeMoves programs include outreach to homeless clients and assessment of their needs.

Addressing the emergency shelter and transitional housing needs of homeless persons

Two of the human services grants (to LifeMoves and the YWCA) helped these agencies provide shelter, transitional housing, and services to homeless clients and victims of domestic violence. In addition, the TBRA is a transitional housing program for homeless households, providing assistance for up to two years.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Several of the Human Services grants supported the provision of services intended to prevent homelessness of Sunnyvale residents including the grants to Sunnyvale Community Services, LifeMoves (InnVision/Shelter Network), YWCA, and Bill Wilson Center. In addition, the fair housing services provided also helped tenants avoid eviction and/or homelessness by addressing discrimination practices. In addition to the activities funded with CDBG, the City also provided assistance to other programs that aim to prevent homelessness using local funds. These include grants to Senior Adults Legal Services, West Valley Community Services, and funding for tenant-landlord mediation programs. Last year, the City funded a new Homelessness Prevention and Rapid Re-Housing (HPRR) Program with \$250,000 in funds from the City's former redevelopment agency housing fund.

Last April, the City responded to a fire at the Twin Pines Manor Apartments and coordinated with Sunnyvale Community Services to assist 81 households displaced by the fire. The new HPRR Program was available to address some of the relocation needs of the affected residents.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Several of the activities funded helped homeless clients and families transition to permanent

housing, including: TBRA, WorkFirst Sunnyvale, and the human services grants to LifeMoves, West Valley Community Services, and YWCA. The total CDBG and HOME funding for these activities was \$740,000 in FY 2015-16, plus \$10,000 in General Funds for the grant to West Valley Community Services.

During the program year, the City provided a significant amount of funding (\$665,000) for activities that helped homeless people obtain housing and jobs (WorkFirst Sunnyvale and TBRA). In addition, the City continues to participate in the county-wide efforts, such as the CoC and Destination Home, to end homelessness throughout the County. In addition, in FY 2013-14, the City provided over \$10 million in local and HOME funds to assist the development of the recently completed Parkside Studios and Onizuka Crossing projects, which include 47 permanent supportive housing units for homeless clients.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Actions taken to provide assistance to troubled PHAs

This section is not applicable as there is currently no official public housing in Sunnyvale. The City collaborates with the Housing Authority of the County of Santa Clara (HACSC) on its efforts to provide Section 8 vouchers, mortgage credit certificates, supportive services and other assistance to Sunnyvale residents. The City also supports the HACSC in its efforts to increase federal appropriations for Section 8 and other affordable housing programs in Sunnyvale and in the County.

The City partnered with the Housing Authority on several efforts in recent years, including a joint TBRA program for clients on the Section 8 waiting list, and several Sunnyvale housing projects which were awarded project-based vouchers, including the Fair Oaks Senior Housing project, two senior group homes, and two new affordable rental projects recently completed (Parkside Studios and Onizuka Crossing).

### CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City does not impose any public policies that unreasonably constrain housing development. There are no growth limitations or rent control policies, and property tax policies are largely set by the State. The City's land use designations and zoning are supportive of development of a wide variety of housing types, including single- and multi-family housing, ownership and rental, mobile homes, manufactured/modular housing, and so on. The City follows the State building code, and its fees and charges are reasonable and consistent with prevailing prices in the region. Between 2005 and 2014, a total of 4,269 new housing units were permitted by the City, an average of 427 per year. Nearly half of these were in multi-family rental projects.

In 2014-15, the City updated the Constraints Analysis of its Housing Element, as required under California Housing Element law (Government Code 65580), to analyze city policies and land use regulations to determine if they had any negative effects on development. The State determined, with its certification of the City's 2015-2023 Housing Element, that the City does not currently implement policies that create barriers to affordable housing. Additional detail is available in the City's Housing Element<sup>2</sup>, which is provided in its entirety on the City's website and in the Library. As noted above, thousands of new dwelling units of various types and price points have been developed and additional units renovated in recent years, in most cases without any direct assistance from the City. This provides evidence that the City's policies do not unduly constrain residential development. In addition, the City has successfully assisted a number of affordable housing developments in recent years, which demonstrates that City policies do not have negative effects on assisted housing production.

Non-governmental barriers, primarily market factors such as high land costs, construction costs, and high prevailing market prices for housing, have been the primary challenges facing jurisdictions in the region, including Sunnyvale, in recent years, not public policies. These barriers are addressed, within the City's limited ability to address them, through the housing activities listed in the City's Action Plan and through the goals and policies listed in the Housing Element.

### **Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

The City continues to seek opportunities to provide housing in the community for underserved residents. These opportunities include local policies and funding commitments that support the development, maintenance, and improvement of affordable housing in Sunnyvale. For instance, in 2016 the City provided a loan of \$5 million in local housing funds to assist the acquisition of a site for the Benner Plaza new affordable rental housing development of 636 units, including at least three homeless units. The City's FY 2016/17 Action Plan allocated \$626,520 in HOME funds towards construction of this project, which will be located at 460 Persian Drive in Sunnyvale.

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<sup>2</sup> <http://HousingElement.inSunnyvale.com>

**Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

The City continues to provide lead-based paint testing and assessment services on all housing built before 1978 that receives CDBG or HOME funding for rehabilitation and/or acquisition. The City ensures that the requirements for notification, evaluation and reduction of lead-based paint hazards in projects receiving Federal assistance are met. Information regarding lead-based paint hazards is given to all property owners and residents prior to any rehabilitation work being undertaken. The City also requires that all contractors and owner participants view the “Safe Work Practices” video developed by the City and read the “Lead Paint Safety” field guide prior to participating in the Paint Program. Staff continues to keep abreast of any new developments in lead-safe housing regulations.

During the program year, two homes were tested for lead in conjunction with a rehabilitation loan. Both homes tested negative with no hazardous conditions.

**Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

Last April, the City adopted a new minimum wage ordinance to increase the minimum wage to \$15 by 2018, increasing the local minimum wage to \$11/hour beginning on July 1, 2016. The ordinance includes an annual adjustment based on inflation starting on January 1, 2019, and every January 1 thereafter. This action alone will help many workers increase their household incomes to above the federal poverty levels.

**Employment Development Efforts****NOVA (North Valley Job Training Consortium)**

Sunnyvale residents have access to employment development and training services provided by NOVA (North Valley Job Training Consortium). NOVA is funded entirely through federal, state and foundation grants, with the primary resources coming from the Workforce Innovation and Opportunity Act (WIOA). NOVA serves a consortium of seven cities in northern Santa Clara County (Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara, and Sunnyvale), as well as all of San Mateo County. Many of the services and programs provided by NOVA target disadvantaged youth and adults who may have limited education or barriers to employment.

With unemployment continuing to decline, NOVA's WIA funding for FY 2015–16 slightly decreased (4%) from FY 2014–15. NOVA provided 54,984 unique services to 4,345 job seekers over the course of the year, a 22% decrease in the volume of job seekers served, and indicative of the improving economy.

A total of 1,065 Sunnyvale adults accessed the NOVA Job Center (a 25% increase from the prior year) receiving 13,723 services. NOVA enrolled 38 Sunnyvale youth who received in-depth career guidance services and/or work experience.

NOVA responded to a large increase in layoffs experienced by companies in the region, with 78 layoff events at 50 companies, impacting about 6,000 individuals. Ten of the layoffs affected 1,077 employees in Sunnyvale.

In addition to NOVA's regular WIOA grants, special grant investments and initiatives that benefit the Sunnyvale population included:

1. In January 2016 NOVA was awarded a \$3.2 million grant to serve job seekers laid off from the technology industry. The grant will provide career advising, job search

workshops and resume assistance, and skills training where necessary for individuals to update their skills to be competitive in attaining new employment. It is planned that 920 participants will be served over the term of the grant, which operates through December 31, 2017.

2. In FY 2014–15 NOVA was awarded a \$5.3 million grant specifically to work with individuals who have been out of work for over six months. The grant focuses on providing training in technology occupations to mid- to high-skilled job seekers throughout the Silicon Valley region, including San Francisco, San Mateo and Santa Clara Counties, and southern Alameda County. Several strategies unique to this population will be piloted, included intensive career advising, work experience, and financial counseling as needed. Over 1200 participants will be served over the term of the grant, which ends October 31, 2018.
3. The LinkedIn for Good Foundation awarded NOVA a second \$30,000 grant to serve low-income disadvantaged youth. LinkedIn also selected NOVA as its local partner in Sunnyvale for its *Engage In* initiative to tackle the issue of global youth unemployment. As part of this collaboration with NOVA, LinkedIn has hosted special *InDay* events for youth in our community. Through Fremont High School, De Anza College, and Columbia Middle School, 100 local young people were able to participate in a special event at LinkedIn in May 2016 to learn more about leadership, future careers, and themselves.

#### Work First Sunnyvale

The City provided CDBG funding for a “Work First Sunnyvale” Workforce Development Program that also aims to reduce poverty, specifically among the homeless population, by increasing employment and access to housing. The program helps homeless clients obtain employment or other sources of income and adequate support services/networks to obtain housing and achieve stability. Activities included job readiness training, job skills training, and job placement.

#### **Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

The institutional structure includes private industry, non-profit organizations, and public institutions that deliver the programs outlined in the Consolidated Plan.

The institutional structure for carrying out the City’s housing and community development activities consists of the City’s cooperative relationships within its departments and other government agencies, non-profit organizations, and other institutions involved in the activities described herein.

The City works with the State, neighboring cities, the Housing Authority and the County of Santa Clara, as well as with private agencies to coordinate efforts and use resources strategically. Collaboration with industry groups is accomplished through an ongoing relationship with the Silicon Valley Leadership Group’s Housing Action Coalition (HAC), which focuses on affordable housing, and any other interested industry partners, such as lenders, builders, and real estate industry associations.

The City works with the County and surrounding cities, the Housing Authority of Santa Clara County, and local non-profit organizations in an effort to provide adequate and affordable housing for residents of Santa Clara County and specifically for residents of Sunnyvale. The City participates in regional efforts to leverage private and local government resources with federal resources for the provision of affordable housing and human services for residents of the region.



Most human service agencies funded by the City operate regionally. Sunnyvale cooperates with the other jurisdictions to avoid duplication of services and to ensure that an efficient delivery system is in place. The City continues to cooperate with the County and the County Housing Authority on various programs.

**Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

**Coordination**

The City and other community development organizations in the County coordinate frequently on a variety of initiatives. The City Housing Division staff participates in a collaborative of HUD entitlement grantees within the County, which holds quarterly meetings to discuss activities, technical assistance issues, and identify future opportunities for coordination and cooperation between local governments, housing providers, social service agencies, and the Housing Authority.

The City also participates in the County's Continuum of Care (CoC), comprised of governmental agencies, homeless service and shelter providers, homeless persons, housing advocates, affordable housing developers, and various private parties, including businesses and foundations. The CoC prepares the Countywide Homelessness Continuum of Care Plan, which seeks to create a comprehensive and coordinated system of affordable housing and supportive services for the prevention, reduction, and eventual end of homelessness. The Plan provides a common guide for the County, cities, service providers, the faith community, the business sector, philanthropy, and the broader community to follow in addressing local housing and the goals and services needs for homeless people. The actions included in the City's FY 2015/16 Action Plan to address housing needs and homelessness are consistent with the CoC's plans and policies.

The City also coordinates with other regional agencies, such as the Housing Trust of Silicon Valley, Joint Venture Silicon Valley, NOVA, the County-wide Fair Housing Task Force, and the Valley Transportation Authority, and a number of other non-profit or public agencies, to achieve the goals described in the City's FY 2015/16 Action Plan.

**Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)**

Analysis of Impediments to Fair Housing Choice (AI)

The City's Analysis of Impediments to Fair Housing (AI) meets the requirements of 24 CFR 570.904(c)(1) for entitlement jurisdictions under the CDBG program administered by the U.S. Department of Housing and Urban Development (HUD).

An update to the City's AI was completed and presented to the Housing and Human Services Commission on September 28, 2011 using 2009 data provided in the 2015-20 Consolidated Plan and 2010 Census data. The AI is available on the City's website.

The Housing Division continues to follow updates related to the new Fair Housing Rule. The Housing Division understands that the Assessment of Fair Housing (AFH) is not due to HUD until 9 months prior to the start of a new consolidated plan, which will be sometime in 2019.

Staff continues to make efforts to improve access to services, programs, and activities, including affordable housing opportunities, for all residents, including persons and households with Limited English Proficiency (LEP). The AI includes recommendations to: expand awareness of LEP clients, educate service providers on their obligations to LEP clients, and assess housing and service providers to evaluate the ability of LEP clients to access sponsored services, programs, and activities.

#### Actions to Affirmatively Further Fair Housing

Sunnyvale was involved in the following activities to affirmatively further fair housing during FY 2015-16:

- Provided accessibility improvement grants for 3 homeowners with physical disabilities.
- Provided translation and interpretation services for the City's housing and community development programs.
- Provided information on foreclosure prevention, tenancy rights, financial education, and other fair housing related topics.
- In honor of Fair Housing Month, the City of Sunnyvale partnered with Project Sentinel and held a "Fair Housing" presentation.
- Worked with MidPen Housing and other public agencies to complete development of Onizuka Crossing, which includes 29 units reserved for disabled individuals

The Fair Housing page on the City's website provides a link for residents to report discrimination complaints directly to HUD.

The City actively implements an affirmative marketing plan to inform the public about all housing programs and new housing opportunities, such as Onizuka Crossing. Housing programs are available to those who live or work in the City and the County, and minority and LEP participants are actively sought by reaching out to community organizations serving these communities. A number of program brochures are translated into Spanish. Last year, staff marketed housing programs in the Sunnyvale Quarterly newsletter, online, and via various electronic media. Staff also distributed housing brochures to the Sunnyvale Senior Center, Sunnyvale Public Library, Sunnyvale City Hall and the Sunnyvale Community Center. Staff also attended various community meetings and regional housing events to provide presentations on the City's programs.

## CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

### Monitoring

The City reviews its progress toward the goals of the Consolidated Plan, and continues to monitor all federally funded activities as required by HUD and OMB.

All reporting requirements and HUD deadlines were met this program year. As of April 30, the City met HUD's "timeliness ratio" for expending the CDBG funds in a timely manner.

At the beginning of each program year, agreements are prepared with subrecipients outlining the responsibilities involved with the receipt of federal funds, and the performance standards to be met. During the program year, subrecipients are required to submit quarterly performance reports describing which program goals have been achieved on a quarterly basis. At least every two years, City staff conducts on-site programmatic and internal control monitoring, and visits its funding recipients to review the fiscal and program management of their federally funded programs. The subrecipient agencies maintain documentation of performance indicators available for inspection, with an audit trail from source documents to reports. At year's end, the City prepares biennial evaluations of these agencies. These evaluations are submitted to the Housing and Humans Services Commission for review during the grant application process.

Staff inspected all HOME housing rental units due for inspection in FY 2015-16. Overall, 129 units were monitored. Staff also monitored annual reports and/or leasing files for compliance with rent and income limits. All projects were in compliance with the City's housing standards. A sample of 73 units were inspected for Housing Quality Standards (HQS) compliance.

### Outreach to Minority and Women-owned Business Enterprises (MBE/WBE)

The City continues to endeavor to contract with and/or hire MBE/WBE firms for its HOME-assisted projects. The City encourages City staff and CDBG/HOME sub-recipients to actively solicit minority and women-owned businesses in their procurement of goods and services related to HOME-funded projects.

### Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

A notice informing the public of the availability of the CAPER was published in the Sunnyvale Sun on September 2, 2016.

The draft CAPER was available for public review and comment for a 15-day period, beginning September 5, 2016 and concluding on September 21, 2016. Copies of the draft report were available at the City's One-Stop Permit Center and on the City's website: [Housing.insunnyvale.com](http://Housing.insunnyvale.com). The Housing and Human Services Commission held a public hearing on Wednesday, September 21, 2016 to take public comment.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Not Applicable

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not Applicable

## CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations. Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

Staff inspected all HOME housing rental units due for inspection in FY 2015-16. Overall, 129 units were monitored. Staff also monitored annual reports and/or leasing files for compliance with rent and income limits. All projects were in compliance with the City's housing standards.

A sample of 73 units were inspected for Housing Quality Standards (HQS) compliance at the properties listed below:

<u>Property</u>	<u>Address</u>	<u>Units/Inspected</u>
➤ Aster Park	1059 Reed Avenue	20
➤ Carroll Street Inn	174 Carroll Street	10
➤ Eight Trees Apartments	183 Acalanes Avenue	4
➤ Fair Oaks Plaza	660 S. Fair Oaks Avenue	11
➤ Homestead Park	1601 Tenaka Place	11
➤ Momentum	1075 Duane Court	1
➤ Momentum	202 W. Arbor	1
➤ Moulton Plaza	1601 Tenaka Place	2
➤ Orchard Gardens	245 W. Weddell Dr.	11
➤ Plaza de las Flores	233 Carroll Street	2

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units.

92.351(b)

The City's Analysis of Impediments to Fair Housing Choice includes Appendix A, *Affirmative Marketing Policies and Procedures for Affordable Housing*, which includes a detailed list of special outreach resources to ensure that outreach and marketing efforts will reach groups "least likely to apply," and to provide information to households with limited English proficiency, and/or "linguistically isolated" households. The City will continue to provide the Appendix to assisted housing developers for inclusion in their Marketing Plans.

The waiting lists of local affordable housing developments indicate that affirmative outreach efforts have been very successful in reaching various minority communities, as well as a broad range of household types. MidPen ensures that each of their projects perform outreach marketing in order to affirmatively further fair housing, pursuant to its commitment to non-discrimination and providing equal opportunity in housing, and the requirements and expectations of various regulatory and/or funding agencies. Local housing developers receiving City HOME funds follow a marketing plan that includes contacting local civic and community organizations representative of the ethnic and cultural diversity of the entire County in order to disseminate information about their projects. Both Charities Housing and MidPen Housing implemented a comprehensive affirmative marketing plan to lease the new units available at Parkside Studios and Onizuka Crossing, respectively. Groups representing disabled and elderly clients are also contacted.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

A total of \$533,118 was received in HOME program income. During the program year, over \$236,000 was drawn to fund expenditures for the Onizuka Crossing project and TBRA program.

Describe other actions taken to foster and maintain affordable housing. 91.220(k)

Please see the activities described under the Affordable Housing Section (Crescent Terrace) and Actions to Address the Needs of Homeless Persons (TBRA) of this report.

**PR26 - CDBG  
Financial  
Summary Report**

Office of Community Planning and Development  
U.S. Department of Housing and Urban  
Development  
Integrated Disbursement and Information System  
PR26 - CDBG Financial Summary Report  
Program Year 2015, Sunnyvale, CA



**PART I: SUMMARY OF CDBG RESOURCES**

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	1,609,103.40
02 ENTITLEMENT GRANT	989,453.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	364,328.65
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	(100,044.65)
08 TOTAL AVAILABLE (SUM, LINES 01-07)	2,862,840.40

**PART II: SUMMARY OF CDBG EXPENDITURES**

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	943,208.36
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	943,208.36
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	234,127.97
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	1,177,336.33
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	1,685,504.07

**PART III: LOWMOD BENEFIT THIS REPORTING PERIOD**

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	57,575.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	885,633.36
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	943,208.36
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%

**LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS**

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: 2013 PY: 2014 PY: 2015
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	2,988,795.30
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	2,988,795.30
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	100.00%

**PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS**

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	530,759.51
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	40,011.40
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	(393,831.63)

31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	176,939.28
32 ENTITLEMENT GRANT	989,453.00
33 PRIOR YEAR PROGRAM INCOME	468,722.82
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	100,044.65
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	1,558,220.47
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	11.36%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	234,127.97
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	234,127.97
42 ENTITLEMENT GRANT	989,453.00
43 CURRENT YEAR PROGRAM INCOME	364,328.65
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	(100,044.65)
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	1,253,737.00
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	18.67%





# City of Sunnyvale

## Agenda Item

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**16-0891**

**Agenda Date: 9/21/2016**

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### **SUBJECT**

Annual Review of the City Code of Ethics and Conduct

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

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

The City Council considers all recommendations from boards and commissions and updates the document as necessary. It was last reviewed by Council on April 5, 2016.

### **ATTACHMENTS**

1. 2016 Code of Ethics and Conduct



## **City of Sunnyvale**

### **2016 Code of Ethics and Conduct for Elected and Appointed Officials**

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

*-- Matthew Arnold*

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

## **Policy Purpose**

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

## **A. ETHICS**

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

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

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

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5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

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

14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

## **B. CONDUCT**

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

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

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

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

*-- William Butler Yeats*

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

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

#### *Use formal titles*

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

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

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

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

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

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

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

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

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

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the

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

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

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

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

*Continue respectful behavior in private*

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

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

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

*Even private conversations can have a public presence*

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

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

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

*"Never let a problem become an excuse."*

*-- Robert Schuller*

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

*Treat all staff as professionals*

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

*Member questions/inquiries to City staff*

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

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Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

*Do not disrupt City staff from their jobs*

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

*Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the city manager through private correspondence or conversation. Comments about staff in the office of the city attorney should be made directly to the city attorney. Appointed officials should make their comments regarding staff to the city manager or the Mayor.

*Do not get involved in administrative functions*

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

*Check with City staff on correspondence before taking action*

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

*Limit requests for staff support*

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

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

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*Do not solicit political support from staff*

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

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

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

*-- Francis Bacon*

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

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

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

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

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

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

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

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

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*Give the appearance of active listening*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

*Maintain an open mind*

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

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

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

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

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

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

*Follow parliamentary procedure in conducting public meetings*

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

### **3(b). In Unofficial Settings**

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

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

*Make no personal comments about other members*

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

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

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

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

*Be clear about representing the City or personal interests*

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

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

*Correspondence also should be equally clear about representation*

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

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

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

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

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

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

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be

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clearly made as individual opinion and not a representation of the feelings of the entire City Council.

*Limit contact with board and commission members to questions of clarification*

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

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

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

*Be respectful of diverse opinions*

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

*Keep political support away from public forums*

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

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

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

*-- Lion Tamer School*

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

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

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

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

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

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

*Choose words carefully and cautiously*

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

## **C. SANCTIONS**

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

*-- Demosthenes*

*Model of Excellence*

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

*Ethics Training for Local Officials*

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

*Public Disruption*

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

*Inappropriate Staff Behavior*

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

*Councilmembers Behavior and Conduct*

Compliance and Enforcement. The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to

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intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

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

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

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

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

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

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

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the

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investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

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

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

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

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

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

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

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

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

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

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

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

## **F. GLOSSARY OF TERMS**

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

## **G. IMPLEMENTATION**

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to

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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); Approved with no changes: RTC 11-058 (3/29/11); Approved with no changes: 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)

Lead Department: Office of the City Manager

APPENDIX A - Model of Excellence Member Statement

**MODEL OF EXCELLENCE**

**Sunnyvale City Council, Boards and Commissions**

**MEMBER STATEMENT**

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

City Council Seat #\_\_\_\_

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# City of Sunnyvale

## Agenda Item

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**16-0894**

**Agenda Date:** 9/21/2016

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### **SUBJECT**

Propose and/or review new Study Issues and Budget Issues

Attached for your review is the description of the process for proposing Study Issues and/or Budget Issues, which can also be found online at *StudyIssues.inSunnyvale.com* and under tab 11 of the Boards and Commissions' Handbook.

### **ATTACHMENTS**

1. Study Issues Process

## **STUDY ISSUES PROCESS**

### **WHAT IS A STUDY ISSUE?**

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A study issue is a topic of concern that may result in a new or revised City policy. The study issues process has been utilized by the City since the late 1970s, and provides both City Council and City staff with a valuable planning and management tool. The study issues process is an integral part of the City's Planning and Management System (PAMS), linking long-range strategic planning and short-range action planning.

For those issues that are sponsored by Councilmembers, City staff, or boards and commissions, staff prepares and submits study issue papers to the city manager for review and approval. The study issue paper describes the topic of concern proposed to be studied, identifies how the issue relates to the General Plan, the origin of the issue, expected public outreach, staff hours, any additional resources required for study, and a staff recommendation regarding whether or not to study the issue. Papers are then routed to the appropriate board and commission for ranking. Generally, boards and commissions must submit their proposed study issues by early fall in order to complete their ranking of issues in October. Study issue papers not under the purview of a board or commission are routed directly to Council for the annual Study Issues Public Hearing and Council Study Issues Workshop.

### **OVERVIEW OF THE STUDY ISSUES PROCESS**

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The primary purpose of the study issues process is to provide a method for identifying, prioritizing and analyzing policy issues in an efficient and effective way. It provides a structured approach for addressing the large number of policy issues that are raised each year. With exceptions as noted below (e.g. emergency issues, safety issues, etc.) Council reviews all study issues once a year at the Council Study Issues Workshop. The process allows Council to rank the issues, separating those issues that may have seemed important when they were first raised from the truly critical issues. It also allows the City Manager and department directors to set and schedule the examination of issues so the workload does not interfere with the day to day delivery of City services at levels set by Council.

As noted below in the Study Issues Process Summary Timeline, the study issues process is ongoing. Currently, study issues can be proposed at any time for the upcoming calendar year by staff, Council, board and commission members, and members of the public.

## CAN I PROPOSE A STUDY ISSUE?

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Study Issue topics can be proposed by members of the public, councilmembers, boards/commissions, or the city manager. Ideas proposed by the public must, however, be sponsored by Council, the city manager, or a majority of a board and commission to advance.

The public can submit ideas directly to Council, a Board/Commission or the City Manager via email through links available on the *StudyIssues.inSunnyvale.com* webpage.

## ROLES IN THE STUDY ISSUES PROCESS

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The study issues process includes participation by Councilmembers, City staff, board and commission members, and the public. A brief explanation of each of their roles follows:

**Council** – Council’s role is to set policy. Regarding the study issues process, policy-related responsibilities include generating (or sponsoring) study issue topics; taking public input; prioritizing or “ranking” issues at the Council Study Issues Workshop in January; and approving target completion dates for each study.

**City staff** – City staff manage the annual study issues administrative process; generate study issue topics; prepare the study issue papers; following Council ranking of issues, determine how many issues available operating resources will support (issues are begun, and studied, in priority order); and propose target completion dates for studies able to be completed.

**Boards and commissions** – In their advisory capacity to Council, boards and commissions generate study issue papers for Council’s consideration, and provide a recommended ranking of the issues relevant to their areas of authority. Boards and commissions also provide a forum for public input and, with majority support, can sponsor issues brought to them by members of the public.

**Members of the Public** – Members of the public may suggest study issue topics to staff, boards and commissions, or directly to Council. In order for a study issue topic to get to the Council Study Issues Workshop it must be “sponsored” by staff, Council or a board or commission. Members of the public also provide input to Council on the

relative importance or priorities of individual studies at the annual Study Issues Public Hearing, which is held a week or two prior to Council's Study Issues Workshop.

### STUDY ISSUES PROCESS SUMMARY TIMELINE

Month	Activity	Result
Day after January Public Hearing through following year's Public Hearing	Study Issue topics are proposed/generated for next calendar year by Council, the city manager, or boards and commissions.	Study issue papers sponsored by Council, boards and commissions, or staff are prepared by staff.
October	Boards and commissions rank relevant study issues proposed for next calendar year.	Board and commission priority rankings are forwarded to Council.
December	Staff posts all sponsored study issue papers to the City's Web site.	Public notice and viewing of study issues proposed for upcoming calendar year.
Early January	Council holds Public Hearing on study issues proposed for current calendar year.	Members of the public comment on study issues.
Late January - early February	Council Study Issues Workshop held.	Council assigns priority ranking to study issues; rankings are posted to City's Website
Early February - mid February	Staff "Draws the Line": the City Manager considers staff resources by department to determine how many issues can be studied during the calendar year (issues are always studied in priority order), noting start and complete dates for each issue.	Staff presents Council a list of the study issues that will be undertaken during the current calendar year, given currently budgeted resources.
Cycle repeats.		