



City of Sunnyvale

Notice and Agenda - Final Board of Library Trustees

Monday, November 6, 2017

7:00 PM

Library Program Room, Sunnyvale Public
Library, 665 W. Olive Ave., Sunnyvale, CA
94086

CALL TO ORDER

ROLL CALL

PRESENTATION

[17-1009](#) PRESENTATION - Library Usage Trends

Attachments: [Sunnyvale Public Library Historical Data](#)
[Sunnyvale Community Condition Indicators](#)

[17-1046](#) PRESENTATION - FY 2018/19 Library Fee Schedule

Attachments: [FY 2018/19 Library Fee Schedule](#)

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

1 [17-0905](#) Approve the Board of Library Trustees Meeting Minutes of October 2, 2017

Recommendation: Approve the Board of Library Trustees Minutes of October 2, 2017 as submitted.

Attachments: [Draft Minutes of October 2, 2017](#)

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [17-0906](#) Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials

Attachments: [2017 Code of Ethics and Conduct](#)

- 3 [17-0981](#) Discontinuation of Patent and Trademark Resource Center Services at the Sunnyvale Public Library

Recommendation: Alternative 1: Discontinue Patent and Trademark Resource Center services at the Sunnyvale Public Library.

- 4 [17-0987](#) Preliminary Discussion of 2018 Master Work Plan Calendar

Attachments: [Draft Work Plan](#)

- 5 [17-1061](#) Request to Designate a Representative of the Board of Library Trustees to Provide an Overview on the Role of the Board and a Summary of Major Library Projects to the Silicon Valley Democratic Club on November 18, 2017

- 6 [17-1062](#) Discussion and Action on Scope of Presentation to the Silicon Valley Democratic Club

Recommendation: Identify Key Project to be Presented and Work with Library Staff to Gather Appropriate Materials in Support of the Presentation

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**NON-AGENDA ITEMS & COMMENTS**

-Board Member Comments

-Staff Comments

INFORMATION ONLY ITEMS**ADJOURNMENT**

Notice to the Public:

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public

inspection in the Sunnyvale Public Library located at 665 W. Olive Avenue, Sunnyvale, California during normal business hours and in the Library Program Room on the evening of the Board of Library Trustees meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Library Administration at sbarajas@sunnyvale.ca.gov or (408) 730-7314. Agendas and associated reports are also available on the City's website at 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 Library Administration at (408) 730-7314. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))



Sunnyvale

City of Sunnyvale

Agenda Item

17-1009

Agenda Date: 11/6/2017

PRESENTATION - Library Usage Trends

SUNNYVALE LIBRARY COMPARATIVE DATA

Updated: November 1, 2017

	FY2016/17	FY2015/16	FY 2014/15	FY 2013/14	FY 2012/13	FY 2011/12	FY 2010/11	FY 2009/10	FY 2008/09	FY 2007/08	FY 2006/07	16/17-15/16	16/17-13/14	16/17-06/07
												1 Yr % Change	3 Yr % Change	10 Yr % Change
Registered Borrowers	133,055	121,893	111,231	101,154	93,568	90,923	82,668	95,440	92,823	78,618	85,975	9.2%	31.5%	54.8%
Book Titles Added	22,143	16,912	14,628	12,955	14,125	13,603	12,973	13,114	13,744	12,990	14,883	30.9%	70.9%	48.8%
Collection Size	339,189	318,477	316,043	307,678	311,322	309,726	302,127	292,567	329,661	339,436	349,718	6.5%	10.2%	-3.0%
Library Visits	684,810	669,796	699,128	707,922	743,311	743,363	732,621	796,329	873,901	798,194	768,983	2.2%	-3.3%	-10.9%
Total Reference Questions	95,602	112,523	78,244	94,976	109,932	136,261	141,605	156,712	187,362	183,922	178,738	-15.0%	0.7%	-46.5%
Children's Materials Circ	1,182,012	1,314,240	1,307,967	1,308,477	1,249,498	1,162,360	984,511	875,065	928,173	839,077	788,735	-10.1%	-9.7%	49.9%
Non-English Circ	131,469	176,740	191,338	210,693	180,445	209,164	193,761	178,956	188,094	174,065	160,920	-25.6%	-37.6%	-18.3%
Non-Book Circ	399,206	475,436	539,350	666,089	674,090	706,888	795,019	661,651	701,804	686,537	675,729	-16.0%	-40.1%	-40.9%
Digital Circ	97,333	108,172	83,752	54,553	44,587	31,941	15,310	16,595	14,924	12,915	11,771	-10.0%	78.4%	726.9%
Digital Circ as % of Total Circ	4.44%	4.51%	3.25%	2.01%	1.62%	1.18%	0.61%	0.69%	0.60%	0.55%	0.52%	-1.6%	120.9%	753.8%
Total Circ	2,191,068	2,396,689	2,576,329	2,711,856	2,748,170	2,705,192	2,524,973	2,379,284	2,481,633	2,329,375	2,247,777	-8.6%	-19.2%	-2.5%
Total Books Held	245,296	224,410	228,138	235,755	241,180	227,310	222,518	213,580	238,747	252,463	251,551	9.3%	4.0%	-2.5%
ILL loans received	18,883	11,003	13,319	12,925	13,519	12,640	10,895	9,771	8,348	6,763	3,609	71.6%	46.1%	423.2%
ILL loans to others	9,079	7,316	7,277	7,200	6,476	6,625	6,179	5,442	6,440	5,511	4,908	24.1%	26.1%	85.0%
Preschool Prog Attendance	31,325	28,897	28,944	26,607	24,922	20,299	17,427	15,214	13,134	7,523	8,102	8.4%	17.7%	286.6%
School Age Prog Attendance	7,525	4,889	6,529	3,198	5,043	7,948	8,385	7,673	5,599	5,872	5,978	53.9%	135.3%	25.9%
Young Adult Prog Attendance	3,526	3,014	1,804	4,995	5,022	3,246	2,385	1,737	1,921	1,463	N/A	17.0%	-29.4%	N/A
Adult Prog Attendance	11,281	10,772	11,204	11,535	12,492	9,435	4,854	5,231	5,955	3,014	2,933	4.7%	-2.2%	284.6%
Total Prog Attendance	53,657	47,572	48,481	46,335	47,479	40,928	33,051	29,855	26,609	17,872	17,073	12.8%	15.8%	214.3%
Total Programs	988	963	848	864	895	873	732	668	578	474	489	2.6%	14.4%	102.0%
Offsite Programs	161	91										76.9%	N/A	N/A
Offsite Program Attendance	8,704	5,496										58.4%	N/A	N/A
Succsfl Retrieval of Elctronic Info	114,482	115,072										-0.5%	N/A	N/A
Electronic Content Use	211,815	223,244										-5.1%	N/A	N/A
Total Collection Use	2,290,828	2,511,761										-8.8%	N/A	N/A
Web Site Visits*	206,770	227,958	269,662	506,714	533,371	548,475	518,932	344,997	326,091	282,719	N/A	-9.3%	-59.2%	N/A
Users of Public Internet**	77,208	85,105	88,480	98,736	135,772	143,136	126,327	204,000	212,415	201,858	N/A	-9.3%	-21.8%	N/A
Reader Seats	353	350	337	352	353	362	362	358	366	386	376	0.9%	0.3%	-6.1%
Total Collection Expenditures***	\$853,291	\$851,430	\$684,921	\$678,939	\$693,636	\$664,223	\$602,040	\$618,981	\$712,932	\$702,681	\$698,178	0.2%	25.7%	22.2%
Staff FTE	51.48	49.02	47.7	49.34	49.84	49.03	50.86	55.26	55.96	57.64	56.4	5.0%	4.3%	-8.7%
Staff Positions	59	59	59	59	59	59	61	64	64	64	64	0.0%	0.0%	-7.8%
Total Count of Persons Employed	89	89	86	86	91	90	92	96	104	115	111	0.0%	3.5%	-19.8%
Total Operating Expenditures	\$8,528,599	\$8,463,339	\$7,931,746	\$7,591,740	\$7,889,730	\$7,267,445	\$7,158,288	\$7,056,313	\$6,968,571	\$6,650,633	\$6,538,087	0.8%	12.3%	30.4%

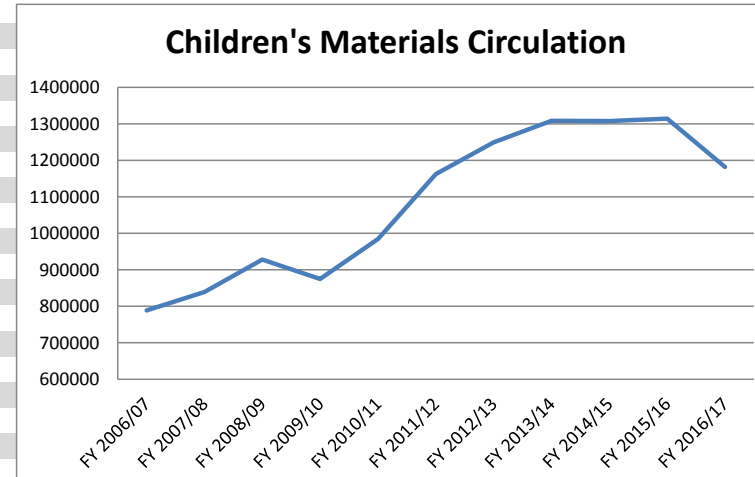
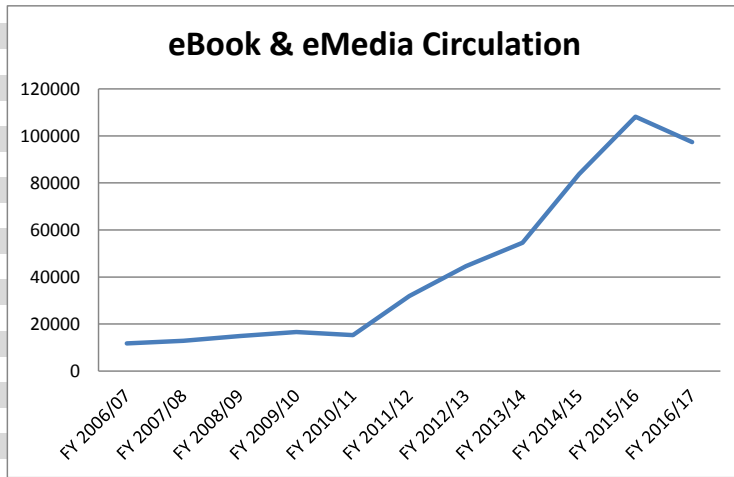
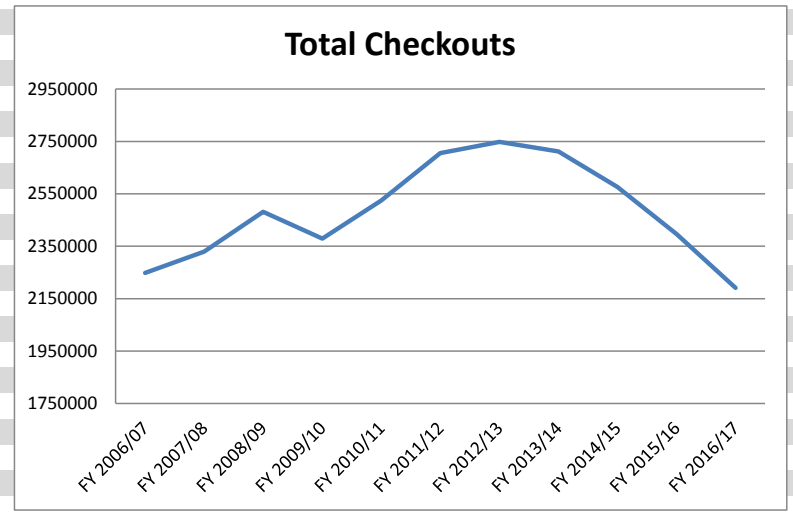
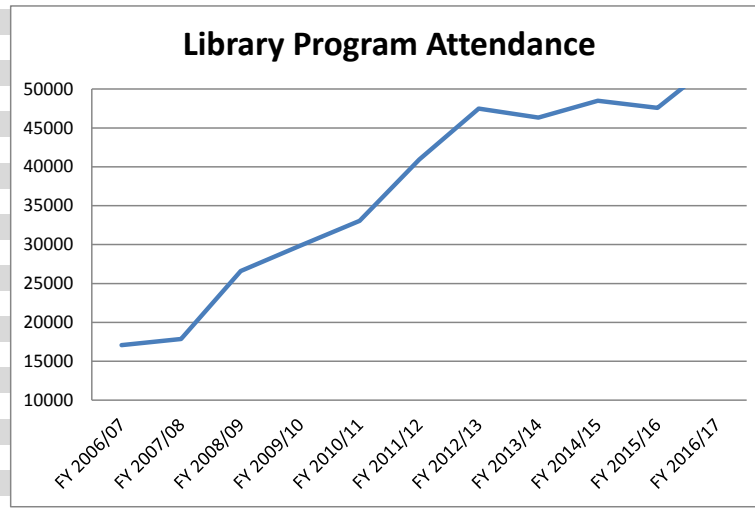
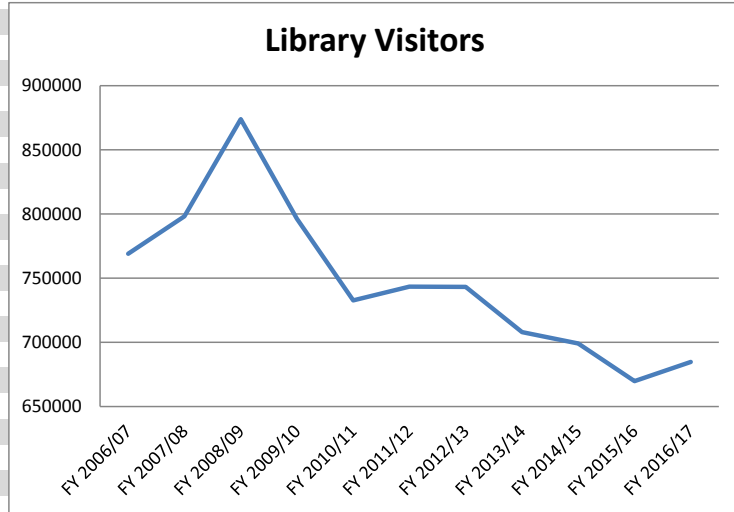
Note: The Library was closed for 2.5 weeks in FY 2009/10 for renovations.

* Website visits: The decline seen in FY 2014/15 was the result of a new capability to eliminate internal web pageviews from the results.

** Users of Public Internet: As of FY 2010/11, after software upgrade, vendor software reports only "walk-ups", not "walk-ups and early sign-ons". Also, PC usage per user was increased from 75 to 90 minutes in FY 2010/11, and again from 90 to 120 minutes in late FY 2016/17 due to upgraded Wi-fi capabilities and an increasing number of patrons bringing their own devices to the Library.

*** Total Collection Expenditures: In FY 2011/12, Council allocated \$60,000 from a vacant librarian position to be spent on library collection. In FY 2015/16, Council increased funding by \$75,000 on an ongoing basis.

SUNNYVALE LIBRARY COMPARATIVE DATA CHARTS



Community Condition Indicators

Element 6.2

	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10*	2008/09	2007/08	2006/07	2005/06	2004/05	2003/04	2002/03	2001/02
	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results	Results
Population	149,831	148,028	148,028	147,055	145,973	142,896	141,099	140,450	138,826	137,538	135,721	133,544	133,086	131,800	132,500	132,825
Customers who give the Library the highest rating	86%	86%	89%	89%	89%	86%	86%	80%	80%	90%	87%	86%	86%	87%	87%	
Number of Library visitors	683,739	669,796	699,128	707,922	743,311	743,363	732,621	796,329	871,128	798,194	768,983	723,731	737,506	861,591	877,135	819,664
Library visits per capita	4.6	4.5	4.7	4.8	5.1	5.2	5.2	5.7	6.3	5.8	5.7	5.4	5.5	6.5	6.6	6.1
Percent of registered borrowers who are Sunnyvale residents	71%	71%	72%	72%	72%	71%	69%	67%	67%	68%	63%	66%	67%	66%	65%	63%
Total number of Library materials checked out	2,191,068	2,396,689	2,576,329	2,711,856	2,748,170	2,705,192	2,524,293	2,379,284	2,481,633	2,329,375	2,247,777	1,891,080	1,818,370	2,130,978	1,996,562	1,709,468
Number of items checked out per capita	14.6	16.2	17.4	18.44	18.83	18.93	17.89	16.94	17.88	16.94	16.56	14.2	13.66	16.16	15.07	12.75
Circulation of children's materials as a percentage of total library circulation	53.9%	54.8%	50.7%	48.3%	45.5%	43%	39%	36.8%	37.4%	36.0%	35.1%	38.1%	38.7%	33%	33.6%	33.3%
Circulation of non-English language materials as a percentage of total circulation	6.0%	7.4%	7.4%	7.8%	8.1%	7.7%	7.7%	7.5%	7.5%	7.5%	7.2%	8.2%	7.6%	6.2%	6.5%	6.9%
Turnover rate of Library materials (average use per item)	7.17	6.55	8.65	8.84	9.52	8.98	8.3	7.9	7.1	7.36	7.45	6.7	6.6	7.6	7.0	6.0
Volume of use of visitors to the Library Web page	206,770	227,958	269662**	506,714	533,371	548,475	518,932	344,997	326,091	378,499	429,122	390,372	372,874	263,238	275,975	
Number of patents issued to Sunnyvale addresses	6,958	6,959	7,055	6,606	5,630	5,164	4,934	4,200	3,318	3,122	3,385	3,324	2,852	3,168	2,912	3,071
Number of patent applications submitted by Sunnyvale residents	5,575	5,818	6,200	6,328	5,254	4,847	4,337	4,594	4,543	3,908	3,304	3,194	3,173	2,874	2,752	1,058

* Note: In FY 2009/10, the Library was closed 2.5 weeks for renovation.

** Website visits declined steeply in FY 2014/15 as a result of a new capability to eliminate internal web pageviews from the results.



Sunnyvale

City of Sunnyvale

Agenda Item

17-1046

Agenda Date: 11/6/2017

PRESENTATION - FY 2018/19 Library Fee Schedule

**CITY OF SUNNYVALE
FISCAL YEAR 2017/18
FEE SCHEDULE**

DEPARTMENT OF LIBRARY AND COMMUNITY SERVICES

SECTION 6.01 FINES AND FEES

A. Fines for Overdue Materials

Books, CDs, Books on CD, DVDs, E-Book Readers, Magazines, etc.

Per Day Per Item

\$0.30

620100

1502 - 1

Fines-Library Overdue Mat

Circulation Desk Payments

Not to Exceed Per Item

\$10.00

620100

1502 - 1

Fines-Library Overdue Mat

Circulation Desk Payments

B. Charges

Cost of Item as
Represented in Library
Record

Replacement Cost for Lost or Damaged Item

799371

2102

Lib - Lost & Damaged-Circ Desk Pymts

Processing Fee for Lost or Damaged

Paperbacks, Boardbooks, Magazines, Pamphlets

\$5.00

799371

2102

Lib - Lost & Damaged-Circ Desk Pymts

Processing Fee for Lost or Damaged Items

(Except Paperbacks, Boardbooks, Magazines,
Pamphlets)

\$12.00

799371

2102

Lib - Lost & Damaged-Circ Desk Pymts

C. Internet Payments

Library Fines and Fees Collected via Internet

As Described Above in
Section 6.01 A and B

620100

1502 - 2

Fines & Fees-Library

Internet Payments

SECTION 6.02 ACTIVITY AND FACILITY USE FEES

The Director of Library and Community Services is authorized to administratively establish Activity and Facility Use Fee Schedules for recreation activities and services not otherwise specified in this document. Schedules shall be established based upon market conditions and City Council adopted policies to ensure fairness and accessibility while attaining fiscal self-sufficiency. Schedules shall be published and available to the public.

SECTION 6.03 COMMUNITY SPECIAL EVENT FEES

Application Fee-Minor *

\$32.50

626610

1374

Community Special Event Fees

Application Fee-Major *

\$128.00

626610

1374

Community Special Event Fees

Refundable Damage Deposit **

\$568.00 -
\$5,683.00

799000

Deposits and Passthroughs

* Other fees may apply before a Special Event Permit is issued. In addition to the costs of inspections and other City services (i.e. Public Safety), other fees such as permit fees will apply for tents, stages, etc. Depending on the type of event, respective fees may vary.

** The Refundable Damage Deposit ranges from \$568 - \$5,683 depending on the facility(ies) being used and the scope of the event.



Sunnyvale

City of Sunnyvale

Agenda Item

17-0905

Agenda Date: 11/6/2017

SUBJECT

Approve the Board of Library Trustees Meeting Minutes of October 2, 2017

RECOMMENDATION

Approve the Board of Library Trustees Minutes of October 2, 2017 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Board of Library Trustees

Monday, October 2, 2017

7:00 PM

Library Program Room, Sunnyvale Public
Library, 665 W. Olive Ave., Sunnyvale, CA
94086

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

ROLL CALL

Present: 5 - Chair Carey Wingyin Lai
Vice Chair Daniel Bremond
Board Member Mason Fong
Board Member Tina Hwang
Board Member Mark Isaak

Boardmember Hwang arrived at 7:24 p.m.
Council Liaison Smith (present)

STUDY SESSION

[17-0903](#) Review Civic Center Master Plan Concepts and Provide
Feedback on Project Alternatives (Study Session)

Interim City Manager, Kent Steffens, and representatives from the City's architect, SmithGroup JJR, provided a presentation and overview of the Civic Center Master Plan Concepts. The presentation described two alternative concepts as well as the proposed schedule, goals and criteria, site assessment and next steps. Interim City Manager Steffens invited Boardmembers to share their comments regarding the Civic Center concepts.

Boardmembers commented on open space, parking concepts, safety and accessibility for library visitors, public safety vehicle access, operational costs, the project phases, traffic impact and neighborhood impact.

Chair Lai opened the item for public comment,

members of the public commented on expanding the Charles Street Community Garden and tree preservation.

There being no additional public comments, Chair Lai closed the item for public comment.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

- 1 [17-0904](#) Approve the Board of Library Trustees Meeting Minutes of September 11, 2017

Vice Chair Bremond moved, and Boardmember Hwang seconded, approval of the consent calendar as presented. The motion carried by the following vote:

Yes: 5 - Chair Lai
Vice Chair Bremond
Board Member Fong
Board Member Hwang
Board Member Isaak

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS & COMMENTS

-Board Member Comments

Vice Chair Bremond shared information on the Repair Cafe program and the Art Cart Contest.

-Staff Comments

Administrative Librarian Steve Sloan noted the following:

- The Library is pleased to announce the opening of a Digital Learning Lab! The Lab will allow Library users to get creative with video production, music, photo

editing, website design and graphic design as well as the ability to convert and preserve media such as photos, music and videos to a digital format. The space is equipped with an iMac, an HP Sprout and two windows computers loaded with design software, an Epson FastFoto Scanner, an Epson Perfection photo scanner, a video converter and a turntable/cassette player that will allow you to convert your music to a CD.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

The meeting was adjourned at 8:38 p.m.



Sunnyvale

City of Sunnyvale

Agenda Item

17-0906

Agenda Date: 11/6/2017

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



City of Sunnyvale

2017 Code of Ethics and Conduct for Elected and Appointed Officials

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

-- Matthew Arnold

Table of Contents

<u>Title</u>	<u>Page No.</u>
A. Ethics	3
B. Conduct	5
1. Elected and Appointed Officials' Conduct with One Another	5
2. Elected and Appointed Officials' Conduct with City Staff	7
3. Elected and Appointed Officials' Conduct with the Public	10
4. Council Conduct with Other Public Agencies	12
5. Council Conduct with Boards and Commissions	12
6. Conduct with the Media	13
C. Sanctions	14
D. Principles of Proper Conduct	16
E. Checklist for Monitoring Conduct	17
F. Glossary of Terms	17
G. Implementation	17
APPENDIX A - Model of Excellence Member Statement	19

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.

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.

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.

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.

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

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.

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

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.

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

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.

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

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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

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.

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

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.

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.

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.

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

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

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

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.

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); RTC 17-0161 (3/28/17)

Lead Department: Office of the City Manager

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

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 #____

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.



City of Sunnyvale

Agenda Item

17-0981

Agenda Date: 11/6/2017

REPORT TO BOARD OF LIBRARY TRUSTEES

SUBJECT

Discontinuation of Patent and Trademark Resource Center Services at the Sunnyvale Public Library

BACKGROUND

Since 1963, the City of Sunnyvale has hosted a Patent and Trademark Resource Center (PTRC) through the Sunnyvale Public Library. On more than one occasion, the efficacy of continuing patent services was considered by the City Council. In 1994, the City of Sunnyvale partnered with the United States Patent and Trademark Office (USPTO) to deliver enhanced intellectual property services on a cost recovery basis. The partnership was known as Sc[i]³, the Sunnyvale Center for Innovation, Invention, and Ideas. Although charged with full cost recovery, the Sc[i]³ partnership was never able to achieve this goal. As a result, Council decided on March 28, 2006 to discontinue Sc[i]³ partnership services, but remain a Patent and Trademark Resource Center. At that time, the PTRC program offered unique services which were not available without visiting a PTRC location or the USPTO headquarters in Alexandria, Virginia.

City Council is scheduled to consider this item on November 28, 2017.

EXISTING POLICY

Library Collection

Action Statement 6.2A.3c Provide a collection of patents and trademarks.

Finding and Using Materials and Information

Action Statement 6.2B.1d Provide patent reference services based on demand and financial self-sufficiency for Sc[i]³ services.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

The PTRC in the Sunnyvale Public Library is one of seven PTRCs located throughout the State of California. The other six sites include: Los Angeles, Riverside, Sacramento, San Diego, San Francisco and San Jose. The San Jose PTRC opened in January 2016 at the Dr. Martin Luther King, Jr. Library in downtown San Jose. In October 2015, the USPTO opened a new office in downtown San Jose, one from the San Jose PTRC creating a natural synergy of patent and trademark resources.

To be designated as an official PTRC, an agency must agree to the following:

- Assist the public in the efficient use of patent and trademark information resources;
- Provide free access to patent and trademark resources provided by the USPTO;
- Provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO;
- Provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and
- Send representatives to attend the USPTO-hosted PTRC training seminars generally held on an annual basis.

In addition, the following costs are incurred:

- \$50 annual statutory fee
- \$1,700 attendance for annual training seminar, held in Alexandria, VA
- An estimated sixty staff hours annually for collection maintenance, reference assistance, programs, training

In return, a designated PTRC agency is authorized to provide access to the following unique resources:

- PubEAST - The "public" version of the Examiner's Automated Search Tool provides seamless access to multiple text data sources including the Pre-Grant Publications (US-PGPUB), U.S. Patents (USPAT), U.S. Optical Character Recognition (USOCR), European Patent Office (EPO) Abstracts, Japanese Patent Office (JPO) Abstracts, and Foreign Patent Retrieval System (FPRS) databases, as well as image data sources for full and clipped images. PubEAST provides a form-based search capability for novice users, and enables expert users to submit searches in Bibliographic Retrieval System (BRS) syntax and IS&R syntax. (Access via a PTRC Workstation)
- PubWEST - The "public" version of the Web-based Examiner's Search Tool offers a server-based application tool for searching patent full-text and abstract databases. It also uses the search language entitled Bibliographic Retrieval Services (BRS). PubWEST provides identical text and image data sources as PubEAST, having the following user and system functions: general patent database searches; searches bound to specific document sections; limited general and bound searches; display of search results based on a range of specified formats; display of page images of patents; user-managed collections of documents; user-managed cases containing searches; local and TCP/IP printing for patent image documents; links to online patent classification guides. (Access via a PTRC workstation)

Access to these databases is via a dedicated workstation that allows staff to sign into the USPTO's database with Virtual Private Network access. In the last decade, the USPTO has steadily increased its online offerings such that there is little remaining to the PTRC that makes it unique. Though no formal announcement has been made, Library staff has been informed by USPTO staff that they are working to make PubEAST and PubWEST available online in 2017.

With the opening of the USPTO's Silicon Valley Regional office in 2015 in downtown San Jose, as well as a PTRC at the San Jose Public Library in 2016, the demand for PTRC services at the Sunnyvale Public Library has steadily declined to the point of being nearly non-existent. Per the USPTO requirements, the Library is required to track and report usage metrics. The following chart provides a sample of metrics for the second quarter of 2016 compared to the same period in 2017:

	QTR 2, 2016	QTR 2, 2017
Walk-in	29	5
Electronic	13	0
Letter	1	0
Phone	17	18
Programs	7	2
Attendance	70	15

With respect to walk-in usage, it is estimated that only one person per quarter utilizes either PubEAST or PubWEST. The infrequency of the PubEAST/PubWEST requests makes it difficult for staff to remain current on how to utilize these specialized databases. Library staff has been able to handle other patent and trademark-related requests for assistance utilizing existing resources in the Library's own collection when needed.

The significant decline in the demand for services, the recent opening of both a PTRC and USPTO in downtown San Jose, and an increasing need to optimize space within the Sunnyvale Public Library has caused staff to re-evaluate whether the resources required to support the PTRC warrant the investment.

Staff regularly receives requests for amenities such as group/individual study rooms, training labs and dedicated spaces for teens. The discontinuation of the PTRC services provides for an opportunity to examine the 300-square foot area currently dedicated to providing PTRC collections and computer access and re-purpose it for space that will be better utilized by the community. Given the current usage and demand for services, it is recommended that the City notify the USPTO of its intent to cease PTRC operations at the Sunnyvale Public Library.

While discontinuation as a PTRC site would require that Sunnyvale patrons travel to San Jose to obtain services, the chart above indicates that this may already be the current practice. Moreover, should the USPTO move forward with its online initiatives, the need for assistance may decline even further as patrons learn to access the services from home.

Should the recommendation to cease operations as an official PTRC be approved, staff would continue to provide basic reference assistance such as helping patrons to get started with the patent and trademark application process, explain how to search for patent and trademark information as well as how to locate additional intellectual property resources as part of its normal Library operations.

While the Library has a long and proud tradition as a provider of patent and trademark assistance, the decline in utilization and the desire to re-purpose space and staff resources to support unmet needs warrants consideration of a new policy direction. For this reason, it is recommended that the Board of Library Trustees support the staff recommendation to notify the USPTO of its intent to halt PTRC operations at the Sunnyvale Public Library.

FISCAL IMPACT

PTRC costs are currently allocated within the adopted FY 2017/18 Department of Library and Community Services operating budget. Discontinuation of PTRC services would allow Library staff to

redirect these funds and staff time towards services that will be better utilized by the community.

PUBLIC CONTACT

Public contact was made through posting of the Board of Library Trustees 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.

ALTERNATIVES

1. Discontinue Patent and Trademark Resource Center services at the Sunnyvale Public Library.
2. Maintain Patent and Trademark Resource Center services at the Sunnyvale Public Library.

RECOMMENDATION

Alternative 1: Discontinue Patent and Trademark Resource Center services at the Sunnyvale Public Library.

Prepared by: Steve Sloan, Administrative Librarian

Reviewed by: Cynthia E. Bojorquez, Director, Library and Community Services

Reviewed by: Teri Silva, Interim Assistant City Manager

Approved by: Kent Steffens, Interim City Manager



Sunnyvale

City of Sunnyvale

Agenda Item

17-0987

Agenda Date: 11/6/2017

SUBJECT

Preliminary Discussion of 2018 Master Work Plan Calendar

DRAFT

2018 Master Work Plan

Board of Library Trustees Annual Calendar

List all regularly scheduled board/commission meetings, specific issues identified in the Tentative Council Meeting Agenda Calendar, and routine assignments specific to each board or commission.

MEETING DATE	AGENDA ITEM/ISSUE
January 8	
February 5	
March 5	<ul style="list-style-type: none"> • Review of Library Fee Schedule • Approve Master Work Plan
April 2	<ul style="list-style-type: none"> • Review of National Library Week
May 7	
May 21 (Special Meeting)	<ul style="list-style-type: none"> • Discussion of National Library Week Feedback • Approve Recommended Budget
June 4	
July 2	<ul style="list-style-type: none"> • Election of Officers
August 6	
September 10	
October 1	<ul style="list-style-type: none"> • Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials • Preliminary Discussion of 2019 Master Work Plan Calendar
November 5	<ul style="list-style-type: none"> • Final Ranking of Study Issues (if any) • Review of Library Usage Trends
December 3	<ul style="list-style-type: none"> • Review of Library Fee Schedule

Additional items yet to be scheduled:

- **Summer Learning Quality Principles and Indicators**
- **Library Ambassadors**



Sunnyvale

City of Sunnyvale

Agenda Item

17-1061

Agenda Date: 11/6/2017

Request to Designate a Representative of the Board of Library Trustees to Provide an Overview on the Role of the Board and a Summary of Major Library Projects to the Silicon Valley Democratic Club on November 18, 2017



Sunnyvale

City of Sunnyvale

Agenda Item

17-1062

Agenda Date: 11/6/2017

SUBJECT

Discussion and Action on Scope of Presentation to the Silicon Valley Democratic Club

RECOMMENDATION

Identify Key Project to be Presented and Work with Library Staff to Gather Appropriate Materials in Support of the Presentation