



# City of Sunnyvale

## Notice and Agenda Housing and Human Services Commission

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Wednesday, October 23, 2019

7:00 PM

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

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### **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    [19-0961](#)    Approve the Housing and Human Services Commission Meeting Minutes of September 25, 2019

**Recommendation:** Approve the Housing and Human Services Commission Minutes of September 25, 2019 as submitted.

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

- 2        [19-1130](#)        Funding Recommendation for FY 2019/20 Supplemental Community Development Block Grant (CDBG) Funding for Capital and Affordable Housing Projects.

**Recommendation:** Alternative 1: Recommend that the City Council fund the CDBG capital project proposal in the amount shown in Attachment 2 to the report.

- 3      [19-1131](#)      Annual Review of the City Code of Ethics and Conduct

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

- [19-1095](#)      Housing and Human Services Commission Potential Study  
Issues, Calendar Year: 2020

**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. (28 CFR 35.160 (b) (1))*



# City of Sunnyvale

## Agenda Item

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**19-0961**

**Agenda Date:** 10/23/2019

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**SUBJECT**

Approve the Housing and Human Services Commission Meeting Minutes of September 25, 2019

**RECOMMENDATION**

Approve the Housing and Human Services Commission Minutes of September 25, 2019 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft

### Housing and Human Services Commission

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Wednesday, September 25, 2019

7:00 PM

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

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#### **CALL TO ORDER**

Chair Hiremath welcomed new commissioner, Emily White, and called the meeting to order at 7 p.m.

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

Chair Hiremath led the salute to the flag.

#### **ROLL CALL**

**Present:** 4 - Chair Ken Hiremath  
Commissioner Diana Gilbert  
Commissioner Joshua Grossman  
Commissioner Emily White

**Absent:** 2 - Vice Chair Elinor Stetson  
Commissioner Minjung Kwok

#### **ORAL COMMUNICATIONS**

Milo Trauss, provided a handout with information regarding community outreach efforts for the Fremont Corners Village Center and invited the commissioners to provide input.

#### **CONSENT CALENDAR**

**1.A**     [19-0962](#)     Approve the Housing and Human Services Commission Meeting Minutes of August 28, 2019

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

MOTION: Commissioner Grossman moved and Commissioner Gilbert seconded the motion to Approve the Housing and Human Services Commission Minutes of August 28, 2019 that comprise the Consent Calendar, as submitted.

The motion carried by the following vote:

**Yes:** 4 - Chair Hiremath  
Commissioner Gilbert  
Commissioner Grossman  
Commissioner White

**No:** 0

**Absent:** 2 - Vice Chair Stetson  
Commissioner Kwok

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**      [19-0959](#)      Review Draft Request for Proposals (RFP) for FY 2019/2020  
Supplemental CDBG Funding for Capital and Affordable  
Housing Projects

Housing Programs Analyst Leif Christiansen provided the staff report and answered questions.

Chair Hiremath opened the public hearing at 7:15 p.m.

No speakers.

Chair Hiremath closed the public hearing at 7:15 p.m.

After a short discussion and questions of staff, Chair Hiremath asked for a motion.

MOTION: Commissioner Grossman moved and Commissioner Gilbert seconded the motion to approve the Request for Proposals as presented.

The motion carried by the following vote:

**Yes:** 4 - Chair Hiremath  
Commissioner Gilbert  
Commissioner Grossman  
Commissioner White

**No:** 0

**Absent:** 2 - Vice Chair Stetson  
Commissioner Kwok

- 3**      [19-0972](#)      Review of 2018/19 Consolidated Annual Performance  
Evaluation Report (CAPER)

Housing Programs Analyst Leif Christensen provided the staff report.

Chair Hiremath opened the public hearing at 7:23 p.m.

No speakers.

Chair Hiremath closed the public hearing at 7:23 p.m.

After claryfying questions of staff, Chair Hiremath asked for a motion.

MOTION: Commissioner Gilbert moved and Commissioner Grossman seconded the motion to approve Alternative 1: Approve the draft CAPER as presented in Attachment 1 of the staff report.

The motion carried by the following vote:

**Yes:** 4 - Chair Hiremath  
Commissioner Gilbert  
Commissioner Grossman  
Commissioner White

**No:** 0

**Absent:** 2 - Vice Chair Stetson  
Commissioner Kwok

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

[19-0974](#) Housing and Human Services Commission Potential Study  
Issues, Calendar Year: 2020

Commissioner Grossman provided a write up for a proposed study issue to Housing Officer Jenny Carloni and the rest of the commissioners. Officer Carloni noted that in adherence to the updated study issues process it would be in the next meeting's agenda for discussion.

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

##### **-Commissioner Comments**

##### **-Staff Comments**

Housing Officer Jenny Carloni shared that the Council had approved the ordinance to add Inclusionary BMR Rental Housing.

She also noted that the last two Housing Strategy Outreach meetings had been scheduled and that staff anticipates to complete the Housing Strategy by the end of

the year.

**ADJOURNMENT**

Chair Hiremath adjourned the meeting at 7:30 p.m.



# City of Sunnyvale

## Agenda Item

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**19-1130**

**Agenda Date:** 10/23/2019

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### **SUBJECT**

Funding Recommendation for FY 2019/20 Supplemental Community Development Block Grant (CDBG) Funding for Capital and Affordable Housing Projects.

### **BACKGROUND**

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

The City is expected to receive approximately \$930,000 in CDBG program income during FY 2019/20. Once the City collects program income, it must be spent during the program year in which it is received. Due to the influx of unanticipated program income, the City released a supplemental CDBG RFP for \$900,000 on September 27, 2019, specifically requesting proposals focused on capital and affordable housing projects due to the sort timeframe to spend the funding.

CDBG capital project proposals may include housing rehabilitation, economic development activities, public facilities and infrastructure improvements, site acquisition, commercial building rehabilitation, and several other types of projects listed in the CDBG statutes. Any of the project types must show clear evidence that they will “primarily benefit” low income residents. This means at least 51% of the clients utilizing a public facility to be improved or acquired must be lower-income.

### **DISCUSSION**

The City received one proposal from Sunnyvale Community Services requesting \$900,000 for acquisition of a public facility, more information on the proposal is provided in Attachment 3. The staff evaluation committee, consisting of several Community Development Department staff members, evaluated the proposal based on the requirements cited in the RFP. Despite receiving only one proposal - the evaluation committee still must verify the proposal is complete, and meets CDBG program requirements.

### **Staff Scoring Committee**

The staff scoring committee met to discuss the viability of the one proposal the City received. Each member of the committee independently scored the proposal, and their scores for the proposal was averaged, as shown in Attachment 2.

### **Funding Recommendation**

With \$930,000 of CDBG program income scheduled to be received from the sale of a building with a previous CDBG loan, there are sufficient funds available to fund the Proposal received in full. Any remaining funds will be used to fund the consultant hired by the County of Santa Clara to complete



the upcoming 2020-2025 Consolidated Plan; work is currently underway on the plan and the Program Income can help offset CDBG administration costs being used to fund that consultant. The funding recommendations are summarized in the table below.

Agency Name	Program	Funding Requested	Staff Recommendation
Sunnyvale Community Services	Acquisition of Public Facility	\$900,000	\$900,000
Total Funding Recommendation			\$900,000
Total Funds Available			Approx. \$930,000
Remaining Funds*			Approx. \$30,000

\*Remaining funds will be allocated toward Consolidated Plan preparation.

### **NEXT STEPS**

The Housing and Human Services Commission's funding recommendation will be incorporated into the Amended Action Plan, which will be reviewed by the Commission on November 20, 2019 and then considered by the Council on December 10, 2019.

### **ALTERNATIVES**

1. Recommend that the City Council fund the CDBG capital project proposal in the amount shown in Attachment 2 to this report.
2. Recommend that the City Council fund the proposal with a different amount than recommended by staff under Alternative 1, not to exceed the total amount of funding estimated to be available.

### **RECOMMENDATION**

Alternative 1: Recommend that the City Council fund the CDBG capital project proposal in the amount shown in Attachment 2 to the report.

Prepared by: Leif Christiansen, Housing Programs Analyst

Reviewed by: Jenny Carloni, Housing Officer

### **ATTACHMENTS**

1. FY 2019/20 CDBG Supplemental Funding List of Grant Proposals Received
2. FY 2019/20 CDBG Supplemental Funding Draft Recommendation
3. FY 2019/20 Capital Project Proposal

**FY 2019/20 CDBG Supplemental Funding Grant Proposals Received**

Agency Name	Program	Funding Amount Requested
Sunnyvale Community Services CDBO	Acquisition of Public Facility	\$ 900,000
Total Requested: \$900,000		

### FY 2019/20 CDBG Draft Supplemental Funding Recommendation

Agency Name	Program	Final Rank	Average Staff Rating	Funding Amount Requested	STAFF RECOMMENDATION
Sunnyvale Community Services CDBO	Acquisition of Public Facility	1	91	\$ 900,000	\$ 900,000
Total Funding Recommendations					\$ 900,000
Total Funds Available					\$ 930,000
Remaining Funds *					\$ 30,000

\* Remaining CDBG funds to be earmarked for 2020-2025 Consolidated Plan Consultant



**Sunnyvale Community Services**

725 Kifer Road, Sunnyvale, CA 94086 408.738.4321

**Working to Prevent Homelessness and Hunger**

October 10, 2019

City of Sunnyvale Community Development Department  
Housing Division  
Attention: Jenny Carloni  
456 W. Olive Avenue  
Sunnyvale, CA 94088

Dear Ms. Carloni,

Sunnyvale Community Services (SCS) is submitting the attached application for a supplemental 2019-2020 Community Development Block Grant (CDBG) for Capital and Affordable Housing Projects Funding. We would use the requested funds to purchase a new headquarters facility for our nonprofit agency.

Sunnyvale Community Services (SCS) is already a vital resource and one-stop shop for low-income Sunnyvale residents and local homeless persons. They trust us to treat them with compassion and dignity, and to connect them with as many programs and services onsite as possible. But we know that more people already need our services, and we forecast serving more than 12,000 clients annually in FY 2024-25, based on current trends. If there is a downturn in the economy, the growth in the number of clients will be even greater, and the need deeper.

Sunnyvale Community Services has accomplished a great deal in our current 12,000 sq. ft. location, but we know we can do more, and the additional space is crucial for us to remain the program and service hub for North Santa Clara County. Our new 36,000 sq. ft. building will offer us immense opportunities to provide more programs and services that will help us carry out our mission of preventing homelessness and hunger in our local community. We greatly appreciate the assistance of the City of Sunnyvale, which has shown its commitment to our vision of everyone having a home with food on the table.

Best Regards,

Marie Bernard  
Executive Director

City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects

## COVER SHEET

☐

ORIGINAL

☒

COPY

## PART 1 – GENERAL INFORMATION

Organization Name:	Sunnyvale Community Services		
Project Name:	Acquisition of 1160 Kern Avenue Building		
Contact Person:	Marie Bernard	Title:	Executive Director
Email:	mbernard@svcommunityservices.org	Phone:	(408) 738-0121
Mailing Address:	725 Kifer Rd., Sunnyvale, CA 94086		
Fax:	(408) 738-1125	Tax ID:	94-1713897
		DUNS <sup>1</sup> Number:	165378316

## PART 2 – LOAN REQUEST

1. Requested Amount	\$ 900,000
2. Other Funding Sources (match)	\$ 13,159,500
3. Total Project Cost (Line 1 + Line 2)	\$ 14,059,500
4. Percentage of City of Sunnyvale funds toward Total Project Cost (Line 1 / Line 3)	7%
5. Type of funds requested (you may select more than one)	<input checked="" type="checkbox"/> CDBG

## PART 3 – PROJECT DESCRIPTION

Please provide a **brief** description of the proposed project. The description should be no more than 5 sentences, describe the project, not the organization, the number of unduplicated persons the project will serve, and/or other measurable objectives the project will meet during the contract period.

CDBG funding would be used to help purchase a new headquarters facility for Sunnyvale Community Services (SCS). Since 1970, SCS has been a service hub for low-income Sunnyvale residents and local homeless persons. However, the current facility is severely limiting our ability to provide the critical services our clients need. We currently serve more than 9,000 (unduplicated) persons each year, and project that more than 12,000 people will need our services annually by FY2024-25.

<sup>1</sup> The DUNS number is a unique nine-character number used by the federal government to identify your organization. If your organization does not have a DUNS number, use the Dun & Bradstreet (D&B) online registration to receive one free of charge, at: <http://fedgov.dnb.com/webform>.

*City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects*

## Application Checklist

<b>Applicant Name:</b>	Sunnyvale Community Services
<b>Project Name:</b>	Acquisition of 1160 Kern Avenue Building

The original application must include all the information listed below. Each of the two (2) additional copies must include the information in Tabs A, B, C, and D. Proposals that do **not** contain all the required documents will not be considered and will be ineligible for funding.

### TAB A

- ☒ Cover Letter on Letterhead
- ☒ Program Cover Sheet\*
- ☒ Application Checklist\*
- ☒ Applicant Information\*

### TAB B

- ☒ Section 1: Organizational Capacity and Experience
- ☒ Section 2: Evidence of Need for Project
- ☒ Section 3: Statement of Work/Project Scope/Readiness
- ☒ Section 4: Project Budget and Financial Information

### TAB C

- ☒ Project Budget Form
- ☒ Pro-forma (for construction or acquisition of community facility)

### TAB D

- ☒ Project Service Area Map
- ☒ Project-Specific Organizational Chart
- ☒ Résumés of Applicant's key personnel

*City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects*

**Provide Applicable Documents in Original Application Only (mark N/A if not applicable)**

**TAB E**

- ☒ Signature Authorization\*
- ☒ Conflict of Interest Disclosure\*
- ☒ Environmental Review Form\* and Attachments
- ☒ Administrative Checklist\* Accounting System Certification\* ☒
- ☒ CHDO or CDBO Verification
- ☒ Bylaws
- ☒ Articles of Incorporation
- ☒ 501(c) (3) documentation from IRS
- ☒ Organizational Chart
- ☒ Financial Audit
- ☒ Letters of Commitment
- ☒ Board Resolution authorizing submittal of proposal
- ☒ Organizational Annual Budget and/or Financial Balance Sheet
- ☒ Director's and Officer's Liability & Errors and Omissions Insurance
- ☒ Policies and procedures for employees including internal controls
- ☒ Language Access Plan and (ADA) Accessibility Policy

**TAB F – Acquisition Projects only**

- ☒ Appraisal of Property
- ☒ Phase I: Environmental Site Assessment\*
- ☒ Parcel Map
- ☒ Property Listing
- ☐ Relocation Plan (if project anticipates displacement)

**TAB G – Construction/Rehabilitation Projects only**

- ☐ Construction Cost Estimate
- ☐ Phase I: Environmental Site Assessment
- ☐ Letters of Community Support
- ☐ Architectural Drawings/Plans
- ☐ Relocation Plan (if project requires temporary or permanent relocation)

\*Note: Standard Forms provided in application packet.

City of Sunnyvale PY2019  
Request for Proposals for Capital and Affordable Housing Projects

TAB A

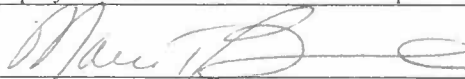
## Applicant Information

Type of Organization:	501(c)(3)		
(Check all that apply)	<input checked="" type="checkbox"/> Non-Profit	<input type="checkbox"/> Public Agency	<input type="checkbox"/> Faith-Based Non-Profit
	<input checked="" type="checkbox"/> Sunnyvale CBDO		
Name of Organization:	Sunnyvale Community Services		
Mailing Address:	725 Kifer Rd.		
City, State, Zip Code:	Sunnyvale, CA 94086		
Physical Address of Project:	1160 Kern Ave.		
City, State, Zip Code:	Sunnyvale, CA 94085		
Contact Person:	Marie Bernard		
Telephone:	(408) 738-0121	Fax:	(408) 738-1125
Email Address:	mbernard@svcommunityservices.org		

Provide the following information for a **program contact person**, a **financial contact person**, the **person who wrote the application**, and an **authorized contact**. Include attachments of job descriptions and resumes for key staff.

	NAME/TITLE	PHONE/EMAIL
<b>Program Contact</b> Someone who works with the project on a daily basis, and can answer questions	Marie Bernard	408-738-0121
	Executive Director	mbernard@svcommunityservices.org
<b>Finance Contact</b>	Susan Chin	408-738-4321 x214
	Financial Controller	schin@svcommunityservices.org
<b>Application Contact</b> Person who wrote this application	Patricia Winter	408-738-4321 x215
	Grant Writer	pwinter@svcommunityservices.org
<b>Authorized Contact</b> Person authorized to make commitments on behalf of the organization	Marie Bernard	408-738-0121
	Executive Director	mbernard@svcommunityservices.org

I certify that the information contained in this application is true and correct, and that it contains no falsifications, misrepresentations, intentional omissions, or concealment of material facts. I further certify that no contracts have been awarded, funds committed, tenants displaced, or construction begun on the proposed project and that none will be done prior to issuance of a release of funds by City of Sunnyvale.


Signature of Authorized Contact Listed Above
Marie Bernard
Typed Name

10/10/2019
Date
Executive Director
Title



**SECTION 1: ORGANIZATIONAL CAPACITY AND EXPERIENCE**

Use only the space provided.

A. Provide an organizational overview of your agency, including:

- a description of the history and purpose of the organization,
- years in operation,
- years of direct experience with proposed project type,
- staff experience with proposed project type,
- federal grant management experience,
- financial capacity, and
- CBDO qualifications, if applying for a CBDO activity (See CFR 570.204)

Provide a project-specific organizational chart as an attachment to all copies of the proposal in Tab D and one copy only of the organizational chart for the entire agency in the original application (Tab E).

Founded in 1970, Sunnyvale Community Services (SCS) is a 501(c)(3) nonprofit organization providing safety-net services to low-income residents of Sunnyvale plus local homeless persons. Our mission is to prevent homelessness and hunger in our local community. Our programs include financial aid, year-round food assistance, wrap-around case management, and referrals to benefits.

SCS's current facility (725 Kifer Road) was purchased in part with a CDBG loan in 2003. We have successfully managed this building ever since, including coping with increases in both annual clients (now 9,000+) and staff (now 35). In addition to our casework services, we offer food distribution 22 days a month, which involves managing not only the actual distribution of the food but also parking and traffic flow. Over the past decades, SCS has received numerous CDBG grants along with other federal funds.

SCS has had "clean" audits as far back as our records go. We have six months of operational cash reserves, plus separate reserves for capital and building maintenance expenses. We have a top rating (4 Stars) from Charity Navigator (see attached), a Platinum seal from GuideStar, and accreditation from CARF International.

We qualify as a CBDO in Sunnyvale. Eleven of our 16 current board members reside and/or work in Sunnyvale. Please see the attached CBDO letter and board list for details.

B. Previous experience using federal funds:

1. Does your organization have previous experience with capital projects involving federal funds?



Yes



No

If no, skip to question 4.

2. If yes, how many years of previous experience do you have with federally funded projects?

Years: 28

Briefly describe your experience below:

SCS has had federally funded CDBG projects for over 28 years and has received EFSP (FEMA) funding every year we have applied. We also received a CDBG loan in 2003 through the City of Sunnyvale for our current building.

City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects

TAB B

3. If you have previous experience with federal projects, was your organization ever required to pay back funds, or found to have violated regulations, etc.?



Yes



No

If **yes**, indicate the actions cited in the space provided below.

SCS did have to return a small amount of HPRP (Homelessness Prevention and Rapid Re-Housing Program) funds in 2011, but we were allowed to use 100% of those returned funds for other eligible grant purposes on the same grant.

4. If your organization does not have experience with federally funded projects, how will you ensure adherence to federal requirements? List examples of related experience or your plan to hire additional staff/contractors.

N/A

C. Previous experience with City-funded projects

1. Do you have previous experience with City-funded projects?



Yes



No

If **yes**, please describe below.

SCS has received Housing and Human Services grants from the City of Sunnyvale for many years, and has consistently been ranked high in competitive grant awards.

2. Has your organization received HUD funds previously from the City of Sunnyvale?



Yes



No

If **yes**, please describe below. If **no**, skip to question 5.

SCS has received both CDBG and HPRP (Homelessness Prevention and Rapid Re-Housing Program) contracts.

*City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects*

**TAB B**

3. If you are a prior recipient of City of Sunnyvale HUD funds, what was the date (mm/dd/yyyy) of your last City of Sunnyvale monitoring visit? 08/27/2019

4. Were there any findings and/or concerns identified during your last monitoring visit by the City?

☐ Yes ☒ No

If **yes**, indicate the findings and/or concerns cited, the corrective action taken, and the date the City of Sunnyvale cleared the findings and/or concerns.

N/A

5. If your organization has not received funds from the City of Sunnyvale, describe your experience managing similar projects funded by other public sources (state, federal, other local government).

N/A

City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects

TAB B

D. Complete the table below for each current member of the applicant's Board of Directors. If your organization does not have a board of directors (e.g., governmental entity), include this page and an explanation of why this form is not applicable (NOTE: Font, margins, or table may be modified to fit information on one page, as long as information below is included.) Identify board office held as applicable.

Board Member Name	Sunnyvale Resident	Employer (if any)	Office Held on Board	Term <sup>2</sup> of Office	Length of Service
	Y / N				
Camille Barnes-Mosley	N	Northrop Grumman	Vice President	2017-20	2
Grace Benlice	N	El Camino Hospital		2019-22	<1
Jim Choi	N	Sunnyvale DPS		2019-22	<1
Travis Duncan	N	Sares-Regis Group		2019-22	<1
Katie Ferrick	N	LinkedIn		2017-20	5
Michael Gallagher	N	Sunnyvale School Dist.	President	2019-22	<1
Robert Kiphuth	Y	Detati Comms.		2019-22	3
Duane Loos	N	---		2019-22	3
Margaret Mannion	N	NetApp		2018-21	1
Barbara McClellan	Y	---		2018-21	4
Tracie Murray	N	Cedar Crest Center	Secretary	2018-21	4
Jeremy Nishihara	N	Sunnyvale School Dist.	Treasurer	2018-21	1
Christian Pellecchia	N	Slatter Construction		2019-22	<1
Courtney Shenberg	N	Apple		2019-22	3
Amanda Weitzel	Y	ServiceNow		2019-22	3
Don Wilson	N	Intuitive Surgical		2019-22	<1

<sup>2</sup> Beginning and Ending Years

**SECTION 2: EVIDENCE OF NEED FOR PROJECT**

Complete this section accurately and completely. Use only the space provided.

**Part 1 – Priority Activities**

Program Priorities/Goals: Identify one or more Consolidated Plan goals the proposed project will address, and explain how it will address these goals in Part 3 below.

For additional information, refer to the Sunnyvale Consolidated Plan.

- ☐ Goal A: Affordable Housing  
☒ Goal B: Alleviation of Homelessness  
☒ Goal C: Other Community Development Efforts  
☐ Goal D: Expanding Economic Opportunities

**Part 2 – National Objective and Beneficiaries**

A. Identify the method of determining the eligibility of your project, and **provide an explanation in the box below**. See page 2 of this RFP for definitions of these methods. For all affordable housing projects, you must select "Limited Clientele Activity".

1. Method of determining eligibility.

- ☐ Area benefit  
☒ Limited Clientele  
☐ Activity Job Creation

Last year, 98% of SCS's 9,249 clients had extremely low to low incomes based on HUD's Area Median Income guidelines. Half of our clients are the most vulnerable: children and seniors. Children age 0-17 account for 35% of our clients, seniors age 65 years or older comprise 15%, and other adults make up the remaining 50%. Among last year's clients were 831 people who were homeless when they came to our door.

B. Number of unduplicated Sunnyvale households (or individuals) to be served by the proposed capital project:

Column A	Column B	Column C
Total number of unduplicated households served	Number of unduplicated lower-income households to be served	*Percentage of lower-income households served (B/A=C)
Example: 500	350	70%
Based on the past 5 years of client growth, we project serving 12,276 (unduplicated) individuals annually by FY2024-25.	12,030 individuals	98%

### Part 3 – Demonstrated Need for Project

In the space below, provide a brief summary of **current** statistical data documenting the need for your proposed capital project. Include local Sunnyvale data as well as any relevant statistics collected by applicant. Provide sources for the information. Briefly explain the target population for the project, including demographics, and a typical client profile. Explain how your project's design will meet the needs you have described, and how it will achieve the Consolidated Plan goals you identified in Section 2, Part 1.

#### PROJECT NEED

The housing and homelessness crises in Sunnyvale are showing no signs of abating. HUD currently defines "low income" in Sunnyvale as \$83,150/year or less for a 2-person household and \$103,900 for a 4-person household. The U.S. Census Bureau estimates that in 2017, 31% of Sunnyvale households (of all sizes) earned less than \$75,000/year, and another 11% earned less than \$100,000. Housing prices now are even higher, putting even more pressure on low-income families not only to stay housed, but to put food on their table. The January 2019 Point-in-Time Homeless Census found a 147% increase in the homeless population in Sunnyvale compared with the 2017 PIT count. While there is general agreement that the 2017 number was undercounted, there is little doubt that this area has seen a significant increase in homeless persons.

#### TARGET POPULATION

Sunnyvale Community Services seeks to help individuals and families who fall under HUD's definition of low income, which means that they have 80% or less of the Area Median Income for Santa Clara County. At present, 98% of our clients have Extremely Low, Very Low, or Low incomes by HUD's guidelines. SCS serves every eligible person who needs our help. Currently, our client demographics are 15% children (0-17), 50% adults (18-64), and 35% seniors (65+). Our client base is 55% female and 45% male. Ethnically, they are 64% Hispanic/Latino, 12% White, 11% Asian American, 5% African American, and 8% mixed or other.

#### PROJECT DESIGN

Sunnyvale Community Services is purchasing a new headquarters facility in order to better serve low-income residents of Sunnyvale as well as local homeless persons. This project supports the City of Sunnyvale's Consolidated Plan Goal B: Alleviation of Homelessness, and Goal C: Other Community Development Efforts. Specifically, Goal B1: "Help people who are currently homeless or at imminent risk of homelessness to obtain housing, employment or other sources of income, and adequate support services/networks to achieve stability," and Goal C1: "Support provision of essential human services."

The new building will triple our available space, enabling many service improvements towards those goals:

- \* Serve an estimated 12,000+ annual clients by FY2024-25
- \* Expand case management and homeless services by 20%
- \* Continue vital food programs during the holidays (currently not possible when our warehouse is converted into our Holiday Center or during Backpack Day)
- \* Host talks, workshops, trainings, and community events, including Downtown Streets Team meetings
- \* Double the number of food deliveries and pickups made by our trucks and those of partner agencies
- \* Host 10 or more partner agencies onsite, creating a services hub that will enable low-income people to avoid many trips to San Jose for county/federal services
- \* Involve 3,000 volunteers each year, the vast majority of whom will live and/or work in Sunnyvale

City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects

## TAB B

**Part 4 – Matching Funds**

- A. List the funding from other sources for this capital project in the following table. Add additional rows to the table if necessary.

<b>Funding Source</b>	<b>Amount</b>	<b>Status as of September 1, 2019 Approved, Pending or Denied*</b>	<b>Award Date</b>
Net from sale of 725 Kifer Road building	\$ 4,600,000	Pending	
SCS Building Fund/prior donations	\$ 652,108	Approved	pre-9/1/19
Jay Paul	\$ 1,000,000	Approved	8/15/19
Private donations	\$ 465,329	Approved	to 10/8/19
LinkedIn	\$ 1,000,000	Approved	10/2/19
Google.org	\$ 1,000,000	Pending	
Intuitive Surgical	\$ 1,000,000	Pending	
Applied Materials	\$ 250,000	Pending	
Sunlight Giving	\$ 150,000	Pending	
High-value donor requests (cap. campaign)	\$ 500,000	Pending	
Individual gift requests (capital campaign)	\$ 2,542,063	Pending	
<b>Total</b>	<b>\$ 13,159,500</b>		

\*If you have not received an official, legally binding loan commitment or other award letter by the time you submit this application, do not enter "approved".

- B. Identify commitments for ongoing operating funding *for this facility/site only* in the space provided below, and attach all **letters of commitment**.

- All letters must be on the organization's letterhead and must include date, amount of match/leverage, and an authorized signature.
- Letters must be dated within 30 days of the application submission date.
- Letters must demonstrate that the funding is applicable to the project proposed in this application.
- Do not include letters of support, only letters making a firm financial commitment to the project.
- If the project will require formal approval of senior lienholders on the subject property, provide their letters of approval as attachments along with the letters of commitment.

Sunnyvale Community Services (SCS) has both broad and deep funding support from local governments, corporations, foundations, and community members. We are a financially stable organization with six months' worth of cash reserves.

SCS has longstanding general operating support from a variety of local funders, including the Sobrato Family Foundation, Applied Materials, and Sunlight Giving. Other major operating and/or programmatic support has come from the City of Sunnyvale, the County of Santa Clara, Google and Google.org, LinkedIn, Destination: Home, El Camino Healthcare District, and the Silicon Valley Community Foundation, among many others.

In addition to requesting funds for the purchase of 1160 Kern Avenue, SCS will be soliciting approximately \$1M from donors to support an operations fund. We estimate the annual cost to operate our new facility will be approximately \$299,000, increasing our expenses 2.7 times from our current operating costs. The funds from this portion of the campaign will allow us to bridge at least five years of operations, as we migrate to fully supporting building operations through our annual budget.

### SECTION 3 – STATEMENT OF WORK/PROJECT SCOPE

#### Part 1 – Project Location and Service Area

Provide the street address and assessor's parcel number(s) of the project location. Attach a map of the project location and the project service area (for community facility proposals only), showing zip codes and census tracts in Tab D.

This project will be located at 1160 Kern Avenue, Sunnyvale, APN #20524002.

#### Part 2 – Project Readiness (Use only the space provided.)

##### A. Work Plan / Project Readiness

Explain your project's work plan, including the activities you will undertake to achieve the project's goal. **Describe how ready you are to begin and complete the project by APRIL 1, 2020.** Include the following:

- Predevelopment milestones (design, permitting, securing matching funds)
- Client Recruitment/program marketing plan (for new/expanded facilities or housing)
- Project evaluation plan

For Limited Clientele Facilities, describe your procedures for recruitment, a marketing plan for clients and/or volunteers, and intake and eligibility screening forms.

This application is for building acquisition only, so this question is not applicable.



City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects

## TAB B

## B. Implementation Schedule

Milestone	Target Date
1. Contract Start Date	
2. Design and Permitting	
3. Initiation of Construction/Project	
4. Completion of Construction/Project	
5. 50% of Funds Expended and Drawn	
6. 100% of Funds Expended and Drawn	December 16, 2019 (close of escrow)
7. Project Completion and Reporting	

C. Performance Measurement System: Complete the following tables with information about the CDBG objectives and outcomes of your proposed project.

<b>1. CDBG OBJECTIVE</b> (select one)	<b>2. CDBG OUTCOME</b> (select one)
<input checked="" type="checkbox"/> Creating a Suitable Living Environment <input type="checkbox"/> Providing Decent Affordable Housing <input type="checkbox"/> Creating Economic Opportunities	<input checked="" type="checkbox"/> Availability/Accessibility <input type="checkbox"/> Affordability <input type="checkbox"/> Sustainability

**3. Client Data:** Identify the number of households your project will serve, in the following categories:

Type of Household	Residing in Sunnyvale	Residing outside of Sunnyvale	Total
Low Income (50%-80% AMI)	162	22	184
Very Low Income (<50% AMI)	10,479	1,429	11,908
Disabled Persons			0
Female-Headed Households			0
Elderly	3,781	516	4,297
Youth	1,814	27	1,841
Homeless Persons	971	132	1,103
Other Special Needs:			0
(Note: #s are projected FY2024-25)			0

## TAB B

**Part 3 – Construction Project Description**

A. Does your project involve:

New construction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Major rehabilitation?*	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Minor rehabilitation?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\*Major rehabilitation is defined as rehabilitation work that costs more than 25 percent of the value of the building before rehabilitation. The value of the building means the monetary value assigned to a building by a recent appraisal and/or property tax assessment, or replacement cost.

B. Do you have site control, including any right-of-way, easements, or encroachment permits needed for the project?

☐ Yes ☒ No If yes, provide date site control acquired: \_\_\_\_\_

If no, explain *how* you intend to secure site control prior to the start of this project. Include the anticipated acquisition date(s).

Sunnyvale Community Services expects to have control of the 1160 Kern Avenue site by approximately December 16, 2019 (close of escrow).

C. **Operating Funds:**

For construction, expansion or acquisition of a community facility, will you have sufficient funds available for the operations of the facility?

☒ Yes ☐ No

Provide a pro-forma with detailed information about operating funds available for the facility for at least 15 years and include as an attachment in Tab C.

D. Will your project involve temporary (less than 1 year) or permanent (more than 1 year) relocation of tenants from your proposed project site (residential or commercial tenants)?

☐ Yes: Temporary ☐ Yes: Permanent ☒ No Relocation needed

If you answered yes to either type of relocation, please attach a URA-compliant relocation plan in Tab F or G, as applicable.

*City of Sunnyvale PY2019 – Supplemental CDBG  
Request for Proposals for Capital and Affordable Housing Projects*

## TAB B

## E. Provide the following property information:

- Property Description, including amenities and features
- Property Condition/Inspection Results
- Appraisal: Provide most recent appraised value.
- Unit Inspection Summary (for rehabilitation/expansion projects)
- List of Property Improvements

1160 Kern Avenue, Sunnyvale, is a 36,028 sq. ft. building constructed in 1971 and renovated in 2007. It currently serves as a warehouse for the nonprofit Resource Area for Teachers (RAFT). The building sits on a 2.25-acre lot just off Lawrence Expressway near Arques. It has multiple locations suitable for receiving and distributing food and other supplies, including a loading dock and two grade-level doors. The site is zoned Industrial.

The property inspector concluded, "the building is in 'good' condition [with] several minor areas of concern." These include repairing parts of the asphalt parking lot, replacing damaged drains and downspouts, repairing or removing the sheds, and fixing several non-functioning emergency lights. The inspector also recommended bringing the restrooms up to current compliance standards, which have changed since the last remodel.

In September 2019, 1160 Kern Avenue was appraised at a value of \$14,000,000.

Sunnyvale Community Services will be making tenant improvements to the building in 2020 to create the necessary office space, food storage and distribution areas, meeting rooms, and other facilities to carry out our mission. Those improvements are not part of the building acquisition for which we are requesting CDBG funding.

## F. Attach the following items as attachments to this application

- Property Survey or Assessor's Parcel Map
- Proposed Site Plan and/or Architectural Elevations
- Infrastructure Plans, if needed
- Environmental Review (see form in Standard Forms)

## G. Community Involvement

For new construction or facility/housing expansion projects, include evidence of community support for the proposed project. Describe the measures your organization has taken to garner community support in the space below. Provide evidence of contact with local neighborhood association(s) or proof of public hearing. **Include letters of support as attachments to this application.**

We will not be constructing a new building or expanding the existing one.

## TAB B

**SECTION 4: PROJECT BUDGET AND FINANCIAL INFORMATION****Part 1 – Budget Information**

Provide a narrative explaining the total project budget, including major budget line items in the order in which they are listed on the budget form. List the sources of funding.

SCS will be funding \$13,159,500 of the \$14,059,000 purchase of 1160 Kern through a combination of corporate and private funding, and through the sale of our existing building at 725 Kifer Road; these details are indicated in the Matching Funds chart on Section A of page 12. The \$900,000 CDBG award being requested will cover the remaining funding needed for the purchase of 1160 Kern.

**Part 2 – Financial Information**

A. Describe the organization's financial management practices, including:

- financial reporting,
- record keeping,
- accounting systems,
- payment procedures, and
- audit history, and
- compliance with OMB Circulars and GAAP

All financial transactions are recorded using QuickBooks Online. On a monthly basis financial data are reviewed and analyzed closely by the Financial Controller. Financial reports including balance sheets and statements of activities are prepared and reviewed by management as well as the Finance Committee, which consists of the organization's finance team and selected board members. All financial data are prepared in accordance with Generally Accepted Accounting Principles (GAAP) in the USA. The financial statements are audited annually by independent auditors, and the agency continues to receive clean audits with no findings.

All short-term and long-term storage of administrative and financial records is provided in a safe, secure, and confidential manner. All financial records and documentation are kept for five years. All documentation pertaining to equipment purchased or donated will be kept for as long as the agency retains the equipment.

All disbursement forms for financial aid to clients must have two signatures before a check can be issued. For all other expenses, one Director's signature is required for amounts less than \$1,000, and two Directors' signatures are required for amounts over \$1,000. All checks issued must be signed by the authorized signers.

Provide the most recent Board-approved financial audit as an **attachment** to the original application in Tab E.



March 25, 2019

Ms. Marie Bernard  
Sunnyvale Community Services

Submission ID: SGF-2019-32328

Dear Ms. Bernard:

On behalf of the Board of Directors of Sunlight Giving, I am pleased to inform you that a multi-year grant in the total amount of \$250,000 has been approved for Sunnyvale Community Services.

Sunnyvale Community Services agrees to:


- Use the grant for general support, \$100,000 in 2019, \$75,000 in 2020, \$75,000 in 2021. This is not a conditional grant;
- Sign and return this grant agreement, acknowledging your receipt of enclosed check #2240 in the amount of \$100,000. Either upload a scanned copy through the online applicant portal under "Upload Signed Grant Agreement" or email to our grants management team at [grants@sunlightgiving.org](mailto:grants@sunlightgiving.org) by **May 10, 2019**;;
- Only use the grant funds for purposes that are consistent with the federal and state rules for tax exempt status;
- Inform Sunlight Giving immediately if there is any change in your public charity status;
- Have your organization, logo and grant information listed on the Sunlight Giving website;
- Adhere to the **Grant Communication Guidelines** found at this link: <http://www.sunlightgiving.org/grantmaking/partners/grantee-resources> for recognition and media related to Sunlight Giving and the grant; and
- Participate in a form of evaluation (e.g. online survey, phone call, etc.) that the foundation will conduct to learn more about the community you serve.

Subsequent payments will be distributed according the following schedule. Sunlight Giving staff may schedule a meeting or request information prior to release of these payments:

Payment	Schedule	Amount
2	April 01, 2020	\$75,000.00
3	April 01, 2021	\$75,000.00

The foundation is extremely pleased and honored to support the work of Sunnyvale Community Services. Should you have any questions, please don't hesitate to contact us at [grants@sunlightgiving.org](mailto:grants@sunlightgiving.org) or (650) 897-0273 extension 252.

Sincerely,

  
Jeryl Chang  
Program Officer  
Sunlight Giving

  
Marie Bernard  
Executive Director  
Sunnyvale Community Services



139 Harristown Rd • Glen Rock, NJ 07452  
phone (201) 818-1288 • fax (201) 818-4694  
[www.charitynavigator.org](http://www.charitynavigator.org)

September 3, 2019

Marie Bernard  
Sunnyvale Community Services  
725 Kifer Road  
Sunnyvale, CA 94086

Dear Marie Bernard:

On behalf of Charity Navigator, I wish to congratulate Sunnyvale Community Services on attaining the coveted 4-star rating for demonstrating strong financial health and commitment to accountability and transparency.

The nonprofit sector is advancing and expanding. As our organizations evolve, so do the desires and interests of our supporters. Astute donors are yearning for greater accountability, transparency, and for concrete results from us. With more than 1.5 million American charities, Charity Navigator aims to accentuate the work of efficient and transparent organizations. The intent of our work is to provide donors with essential information to give them greater confidence in both the charitable decisions that they make and the nonprofit sector.

Based on the most recent information available, we have issued a new rating for your organization. We are proud to announce Sunnyvale Community Services has earned our eighth consecutive 4-star rating. This is our highest possible rating and indicates that your organization adheres to sector best practices and executes its mission in a financially efficient way. Attaining a 4-star rating verifies that Sunnyvale Community Services exceeds industry standards and outperforms most charities in your area of work. Only 4% of the charities we evaluate have received at least 8 consecutive 4-star evaluations, indicating that Sunnyvale Community Services outperforms most other charities in America. This exceptional designation from Charity Navigator sets Sunnyvale Community Services apart from its peers and demonstrates to the public its trustworthiness.

*Forbes*, *Business Week*, and *Kiplinger's Financial Magazine*, among others, have profiled and celebrated our unique method of applying data-driven analysis to the charitable sector. We evaluate ten times more charities than our nearest competitor and currently attract more visitors to our website than all other charity rating groups combined, thus making us the leading charity evaluator in America. Our data shows that users of our site donated more than they planned to before viewing our findings, and in fact, it is estimated that last year Charity Navigator influenced approximately \$10 billion in charitable gifts.

Your achievement and the 4-star rating will enhance your organization's fundraising and public relations efforts. Our favorable review of Sunnyvale Community Services' financial health and commitment to accountability & transparency is now visible on our website.

We wish you continued success in your charitable endeavors.

Sincerely,

Michael Thatcher  
President and CEO

*City of Sunnyvale PY2019  
Request for Proposals for Capital and Affordable Housing Projects*

**TAB C**

Required Attachments:

- ☒ Project Budget Form
- ☒ Pro-forma (for construction or acquisition or community facility)

City of Sunnyvale PY2019  
Request for Proposals for Capital and Affordable Housing Projects

TAB **Project Budget Form**

	a	+ b	+ c	= d
Item	Supplemental CDBG Funds Requested (\$)	Matching Funds* (Other \$)	Matching In-Kind Services or Materials <sup>2</sup> (\$)	Project Cost (\$)
<b>I. Capital Costs</b>				
Permits and Fees				
Design (Architectural & Engineering)				
Acquisition Costs (escrow fees, etc.)	\$ 900,000	\$ 13,159,500		\$ 14,059,500
Other Soft Costs (e.g. Davis Bacon Monitoring (if applicable), Surveying, etc.)				
Rehabilitation/Construction Costs (labor, materials)				
Contingency (Construction)				
Environmental Compliance (CEQA/NEPA/Phase I, lead testing as applicable)				
Construction Management (if outside firm)				
Other:				
Other:				
<b>II. Project Management/Administration</b>				
<b>III. In-Kind Services</b>				
Applicant's staff services for project management) *				
Other in-kind services/goods (describe):				
Volunteer/Pro-bono services				
<b>TOTAL PROGRAM BUDGET</b>	\$ 900,000	\$ 13,159,500		\$ 14,059,500

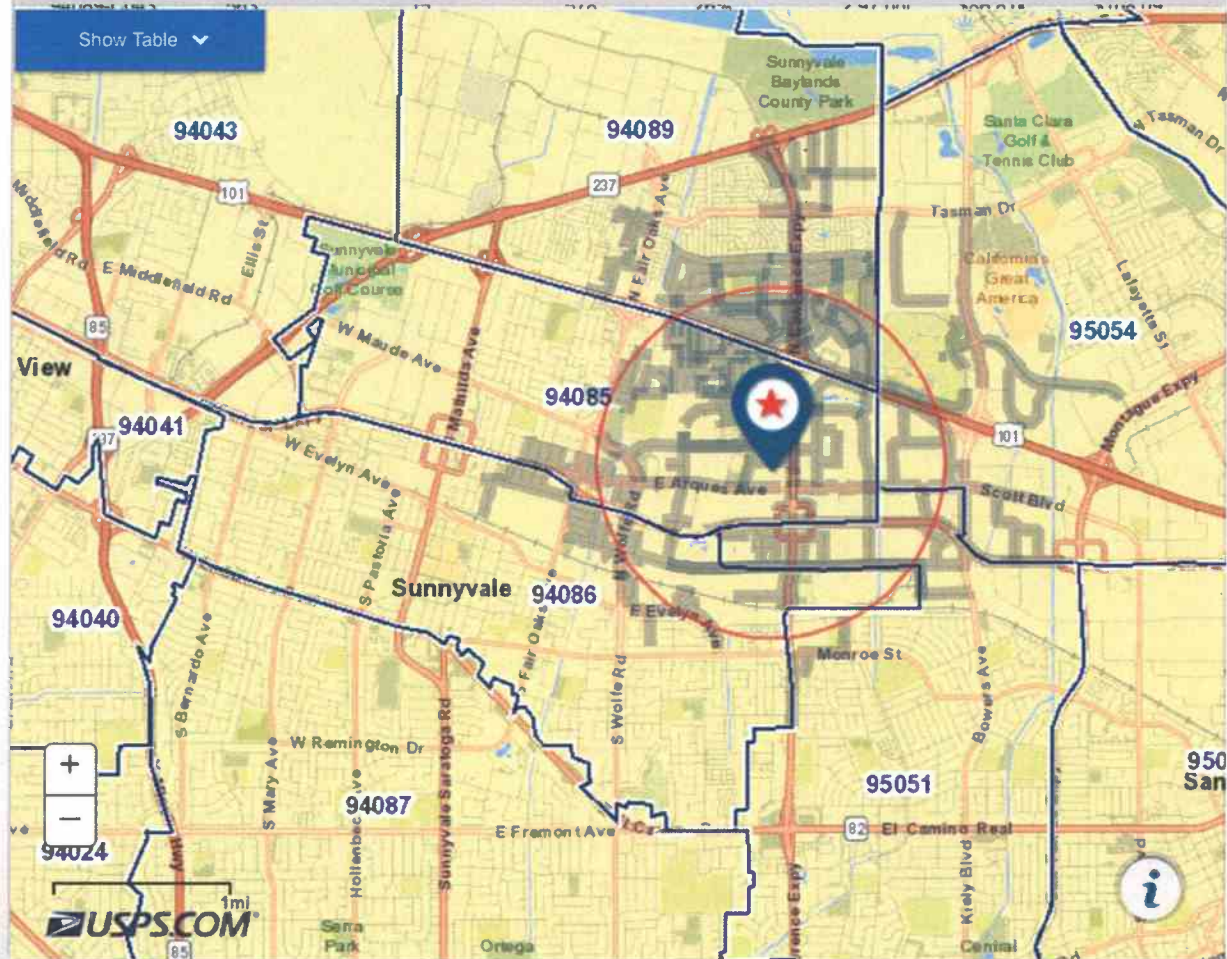
\* Provide your basis for estimating the dollar value of in-kind services in the space below. For applicant's staff services, use applicant's actual cost (hourly rates). For volunteer services, use \$10/hour, and for pro-bono professional services (architectural, etc), use firm's established hourly rates as charged to typical clients.

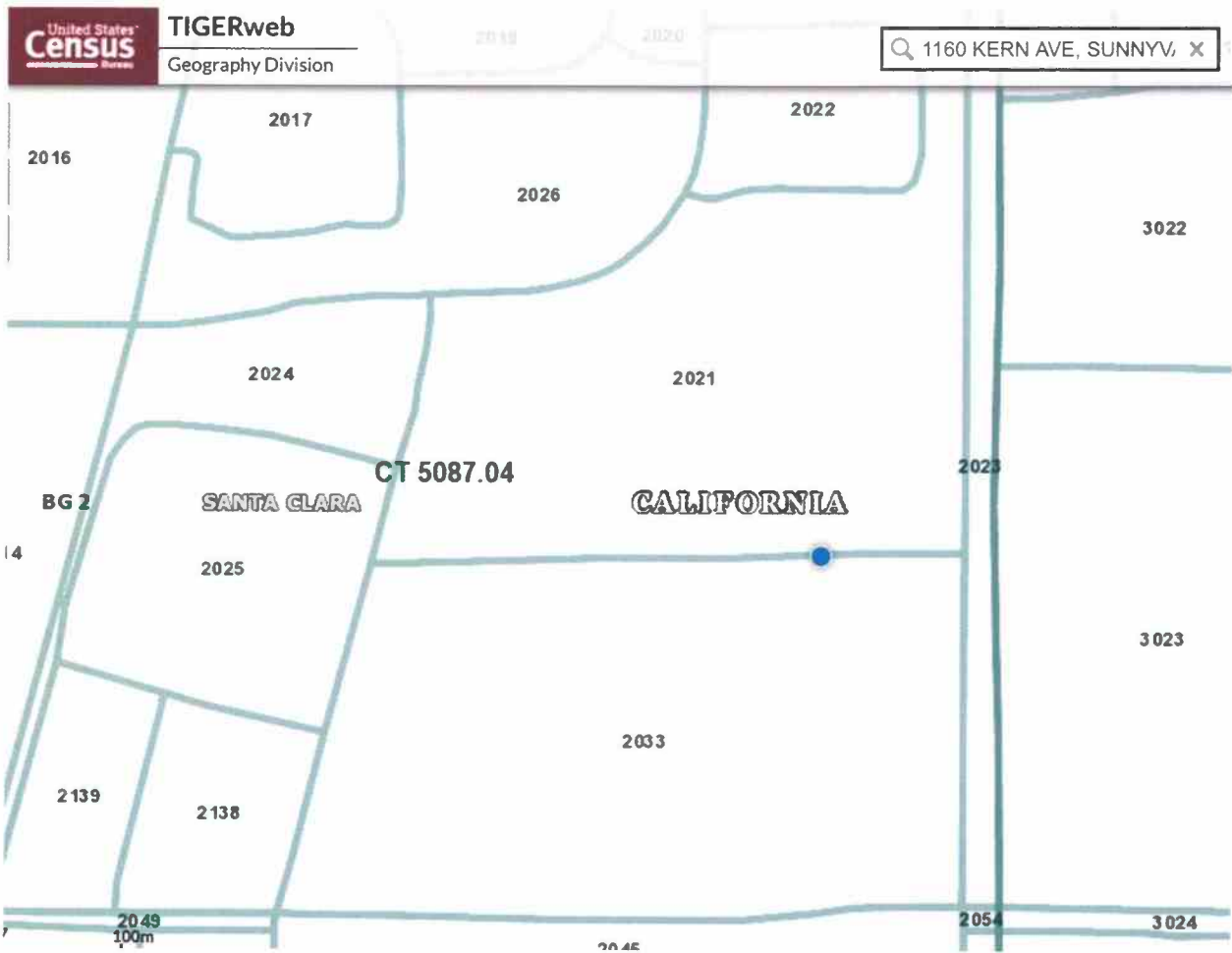
<sup>2</sup> Please identify the source and commitment status (e.g. funds received, committed, or otherwise guaranteed, with proof) of other non-City funding and in-kind contributions committed specifically to the project for which CDBG and/or HOME funding is requested. Do not list matching funds or in-kind match that has not yet been formally committed.



 RADIUS 1.0 mi 

ROUTE	RESIDENTIAL	BUSINESS	TOTAL	AGE 25-44	SIZE	INCOME	COST
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Show Table 





# City of Sunnyvale

## Agenda Item

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**19-1131**

**Agenda Date:** 10/23/2019

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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 January 9, 2018.

### **ATTACHMENTS**

1. 2018 Code of Ethics and Conduct



## **City of Sunnyvale**

### **2018 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

<b><u>Title</u></b>	<b><u>Page No.</u></b>
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

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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); RTC 17-0161 (3/28/17); RTC 18-0036 (1/9/18)

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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**19-1095**

**Agenda Date:** 10/23/2019

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Housing and Human Services Commission Potential Study Issues, Calendar Year: 2020

Proposed Study Issues\*

Date	Working Title	Summary of Scope	Staff Comments
9/25/19	Local Hire Study Issue	This study will provide analysis into the creation of an ordinance or policy which will improve the employment opportunities of local residents.	Not recommended per attachment.

\*The study issues have been proposed for future sponsorship

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



Sunnyvale

## Study Issue Form

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

1. To advise Council regarding the identification of policy issues to study, within their relevant area of authority;
2. To advise Council on those issues Council has decided to study.

The study issues process should focus on considering a new or revised ordinance, new or expanded service delivery program, changes to existing Council Policy, or amendments to the General Plan. The Study Issues Form is designed to focus board and commissioner members' ideas on potential policy study issues, and provide the opportunity for staff feedback and guidance in a transparent process. *Board members or commissioners may only fill out a form for study issue ideas within their purview.*

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**Date Submitted to Staff** 09/25/2019  
**Liaison:**

**Board/ Commission:** Housing and Human Services Commission

**Workplan Year:** 2020

**Submitted by:** Commissioner Grossman

**Study Issue Working** Local Hire Study Issue  
**Title:**

1. What are the key elements of the issue? What precipitated this study?

This study will provide analysis into the creation of an ordinance or policy which will improve the employment opportunities of local residents. This will be achieved through a requirement that construction projects which reach a specified size in Sunnyvale and which are undertaken on City owned land will require a certain number of local hires and/or enrollment in an apprenticeship program.

This will entail the creation of an ad-hoc commission to study or fund the study of Sunnyvale's construction industry labor market and propose policy options based on the study's results. This study issue is meant to generate an actual policy or ordinance requiring local hire as opposed to the previous study issue in 2014 which did not result in a ordinance but instead resulted in policy which "encourages" developers to hire locally (reference: RTC 15-0595).

2. Staff Summary of Scope and/or Comments: [Staff Use Only]

See attached.





Sunnyvale

## **Local Hire Proposed Study Issue [HHSC- Grossman]**

### **Staff Comments**

#### **Background**

In 2014, Study Issue 14-01 “Examine Ways to Increase Local Hiring in Major Developments” was prepared. This SI directed staff to review various programs and aspects to local hiring requirements and evaluate new approaches to requiring this. The SI was led by NOVA, Economic Development, and the Office of the City Attorney.

Staff returned to the City Council with RTC 15-0055. The report provided significant background on the outreach, analysis, and legal review completed through the SI process. In conclusion, staff recommended a formal City policy statement to encourage local developers and contractors on public and private projects, and to strengthen outreach efforts for local hiring, the use of prevailing wages, and using state certified local apprenticeships or job training programs.

The adopted policy can be found attached to this memo, Policy 5.1.5 *Utilization of Local Workforce in Construction Projects*. This policy allows the City to collect data on local workforce from Public Works. A Labor Compliance Officer was also hired through this SI and policy.

#### **What work is being done currently on this topic?**

Economic Development is currently undertaking the “Responsible Construction Study Issue”, this is slated to be complete at the end of 2020. A wage theft policy was added in 2018 (Policy 5.1.6).

#### **Legal Constraints**

The topic of mandating or creating an ordinance to require local hiring on developments is a very legally challenging topic. The City charter states that the lowest and most responsible bid shall be awarded, therefore a requirement to choose a local bid would require the City Charter to be modified, requiring a formal ballot measure in a general election. Cities have attempted Local Hire Ordinances in the past, only to be found unconstitutional (i.e. City of Fresno).

Other legal challenges include:

- Privileges and Immunities Clause
- Commerce Clause
- Void for Vagueness Concerns
- Violations of California Constitution

In addition, within the City of Sunnyvale, there are only forty-seven (47) construction related trades with three or more employees with a business license in Sunnyvale. The construction demand in Sunnyvale alone is far too large for just these Sunnyvale based trades.

In conclusion, requiring a Local Hire Ordinance is not recommended to be proposed as a study issue at this time to do the various legal challenges and potential violation of the California Constitution.

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### **Policy 5.1.5 Utilization of Local Workforce in Construction Projects**

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#### **POLICY PURPOSE:**

The City of Sunnyvale encourages local developers and contractors working on construction projects within the City to utilize local workforces to the extent possible, as a means of supporting economic opportunities for all members of the community. The intent of this policy is to memorialize the City Council's commitment to local workforce utilization.

#### **POLICY STATEMENT:**

The Sunnyvale City Council supports improving the economic well-being of the entire community by increasing employment opportunities for residents of Sunnyvale. The rapidly escalating cost of living in the Bay Area coupled with the declining availability of traditional "middle-class" jobs make it difficult for the local workforce to maintain their place in the community. Development and construction of large-scale projects within the City can be a driver of economic growth and job creation, and it is in the public interest that the jobs be available to the local workforce so that the economic benefits can be shared by the entire community. Accordingly, the City of Sunnyvale encourages developers and contractors performing work in Sunnyvale to:

- Employ as many local workers residing in Sunnyvale and surrounding communities as possible;
- Pay workers a fair wage, consistent with prevailing wages set forth by the State Department of Industrial Relations for public works projects; and
- Utilize State-certified apprentices to the extent possible.

Lead Department: Office of the City Manager

(Adopted: RTC #15-0055 (May 19, 2015))