



City of Sunnyvale

Notice and Agenda - Final Heritage Preservation Commission

Wednesday, January 6, 2021

7:00 PM

Teleconference Meeting: City Web Stream
| Comcast Channel 15 | AT&T Channel 99

SPECIAL TELECONFERENCE NOTICE

Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, the meeting of the Sunnyvale Heritage Preservation Commission on January 6, 2021, will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Order N-29-20.

- *Watch the Heritage Preservation Commission meeting at www.Sunnyvale.ca.gov/YouTubeMeetings*
- *Submit written comments to the Heritage Preservation Commission to HeritagePreservation@sunnyvale.ca.gov or by mail to Sunnyvale Planning Division, 456 W. Olive Avenue, Sunnyvale, CA 94086-3707.*
- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (*9 on a telephone):*

Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/93323345826>

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

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment, contact the City at least 2 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. For other special assistance, please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Planning Division may be reached at 408-730-7440 or at planning@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

CALL TO ORDER**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[21-0135](#)

Approve the Draft Heritage Preservation Commission Meeting Minutes of November 4, 2020

PUBLIC HEARINGS/GENERAL BUSINESS[21-0136](#)

Selection and Ranking of Study Issues

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**NON-AGENDA ITEMS & COMMENTS**[21-0139](#)

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

-Commissioner Comments

INFORMATION ONLY REPORTS/ITEMS

ADJOURNMENT*Notice to the Public:*

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, 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 Joey Mariano at (408) 730-7486. Agendas and associated reports are also available on the City's website at sunnyvale.ca.gov or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Joey Mariano at (408) 730-7486. 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

21-0135

Agenda Date: 1/6/2021

SUBJECT

Approve the Draft Heritage Preservation Commission Meeting Minutes of November 4, 2020

RECOMMENDATION

Approve the Draft Heritage Preservation Commission Meeting Minutes of November 4, 2020, as submitted.



City of Sunnyvale

Meeting Minutes - Draft Heritage Preservation Commission

Wednesday, November 4, 2020

7:00 PM

Telepresence Meeting: City Web Stream

SPECIAL TELECONFERENCE NOTICE

CALL TO ORDER

Chair Larsen called the meeting to order at 7:06 PM via teleconference.

SALUTE TO THE FLAG

This was canceled by the Chair due to the Teleconference meeting logistics.

ROLL CALL

Present: 5 - Chair Dixie Larsen
Vice Chair Dawn Hopkins
Commissioner Jilian Cadouri
Commissioner Shanna Gaudenti
Commissioner David Wu
Absent: 1 - Commissioner Steve Caroompas

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

[20-0928](#) Approve the Draft Heritage Preservation Commission Meeting Minutes of July 22, 2020

Vice Chair Hopkins noted that the minutes did not capture her statement regarding the missing tree plaques at the Heritage Grove.

MOTION:

Vice Chair Hopkins moved and Commissioner Cadouri seconded the motion to approve the Draft Heritage Preservation Commission Meeting Minutes of July 22, 2020, with modifications as follows:

1) To include the following statement: "Vice Chair Hopkins stated her concern about the tree plaques that are no longer present near the trees and suggested that a new plaque to commemorate the Vargas family be provided for display".

Motion carried with the following vote:

Yes: 5 - Chair Larsen
Vice Chair Hopkins
Commissioner Cadouri
Commissioner Gaudenti
Commissioner Wu

No: 0

Absent: 1 - Commissioner Caroompas

PUBLIC HEARINGS/GENERAL BUSINESS

[20-0924](#)

Proposed Project: Related applications on a 3.34-acre site:
LANDMARK ALTERATION PERMIT AND TREE REMOVAL PERMIT: to remove one Heritage Tree (northernmost redwood tree) from the existing redwood grove located in former Town Center, now CityLine Redwood Square
Location: 200 S Taaffe Street (APN:209-35-023)
File #: 2020-7603
Zoning: DSP Block 18
Applicant / Owner: STC Venture, LLC/Travis Duncan (applicant/owner)
Environmental Review: The project is exempt from additional environmental review pursuant to CEQA Guidelines Section 1568, Program EIR, as the proposed project was evaluated in the certified DSP EIR (SCH # 2018052020) and a Statement of Overriding Consideration was made for the removal of the tree.
Project Planner: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

Principal Planner Shaunn Mendrin gave the staff presentation.

Vice Chair Hopkins asked staff about what the dedication to Manuel Vargas would involve, since the tree to be removed was originally dedicated to him. Mr. Mendrin responded that staff has recommended that one of the new redwood trees would be dedicated to Mr. Vargas and that a new plaque would be placed near the new tree.

Commissioner Cadouri asked staff if the redwood tree to be removed could be

milled and reused onsite (such as furniture) as part of the proposal. Chair Larsen had the same comment.

Travis Duncan, Sares-Regis, presented the applicant's proposal.

Vice Chair Hopkins asked if the applicant has spoken to the Arts Commission about reusing the tree to be removed.

Chair Larsen asked if a decision has been made on the reuse of the tree following removal. Mr. Duncan responded that the tree will be milled regardless and has not made a decisions on its reuse at this time.

Commissioner Cadouri likes the idea of reusing the lumber onsite for enjoyment by the community.

Chair Larsen opened the public hearing.

Ms. Wang, Resident, expressed her concern for the lack of green space in the public open space around the Heritage Grove. She asked if it was possible to redesign the underground parking garage beneath the Heritage Grove to achieve more open space. She also asked if there could be a feature placed to educate the public about the tree.

Barbara Brunaso, Resident, asked whether protective walls could be placed around the tree or if parking garage spaces could be reduced in the interest of preserving the tree. Alternatively, if the tree was removed, she suggested installing a cross section of the tree trunk to display historical information about the tree or other information about the Redwood Grove.

Chair Larsen closed the public hearing.

Commissioner Cadouri said that reusing the tree in some way is important and the proposed Conditions of Approval do not specify this.

Mr. Mendrin responded that an additional condition could be added that would include milling and reusing the tree onsite.

MOTION:

Vice Chair Hopkins moved and Commissioner Gaudenti seconded the motion for Alternative 2 - Make the required Findings required to approve the CEQA determination that the project is consistent with the Downtown Specific Plan's Program Environmental Impact Report and no additional environmental review is required, and approve the Landmark Alteration Permit and Tree Removal Permit based on Findings in Attachment 2 and Recommended Conditions of Approval in Attachment 3 subject to modified Conditions of Approval.

The modifications to the Conditions of Approval is as follows:

GC-7. Lumber REUSE:

The applicant shall mill and store the redwood lumber on-site (or alternative, subject to City approval) and make available to reuse within the downtown and/or community for a period of time, proposed by the applicant and subject to review and approval by the Director of Community Development. [COA] [PLANNING]

The motion carried by the following vote:

Yes: 5 - Chair Larsen
Vice Chair Hopkins
Commissioner Cadouri
Commissioner Gaudenti
Commissioner Wu

No: 0

Absent: 1 - Commissioner Caroompas

[20-0929](#) Discussion and Adoption of Final 2021 Work Plan

Senior Planner George Schroeder gave an overview of the 2021 Work Plan and noted standard items such as study issues, training opportunities, and the annual budget review.

Vice Chair Hopkins moved and Commissioner Cadouri seconded the motion to approve the Draft 2021 Work Plan.

Motion carried by the following vote:

Yes: 5 - Chair Larsen
Vice Chair Hopkins
Commissioner Cadouri
Commissioner Gaudenti
Commissioner Wu

No: 0

Absent: 1 - Commissioner Caroompas

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS & COMMENTS

None

-Commissioner Comments

INFORMATION ONLY REPORTS/ITEMS

Mr. Schroeder thanked Commissioner Cadouri for attending her first meeting and noted that there are no planned items for next month.

ADJOURNMENT

Chair Larsen adjourned the meeting at 8:05 PM.



City of Sunnyvale

Agenda Item

21-0136

Agenda Date: 1/6/2021

Selection and Ranking of Study Issues



City of Sunnyvale

Agenda Item

21-0136

Agenda Date: 1/6/2021

2021 COUNCIL STUDY ISSUE

NUMBER

CDD 18-02

TITLE Update and Review of the Heritage Resource Inventory

BACKGROUND

Lead Department: Community Development

Support Departments: Office of the City Manager

Office of the City Attorney

Sponsor(s): Heritage Preservation Commission

History: 1 year ago: Ranked, Below the Line

2 years ago: Ranked, Budget Supplement not approved

SCOPE OF THE STUDY

What precipitated this Study?

The Heritage Preservation Commission identified a need to examine the City's current Heritage Resource Inventory (Inventory) and explore whether additional properties, including non-residential development, should qualify based on adopted criteria for nomination.

The Inventory was created in 1979 and has been updated periodically. The most recent comprehensive study in 2007 included a citywide survey for consideration of new neighborhood districts and individual heritage resources. Two neighborhoods and five properties were identified and further evaluated in 2009; however, none of these properties and neighborhoods were ultimately added to the Inventory. Over the years, through requests by individual property owners, several properties have been approved for removal from the list, once further study determined that they did not meet or were determined to no longer meet the City's standards for heritage designation.

What are the key elements of the Study?

Similar to previous Inventory updates, the Study would identify potential properties for nomination both by visually surveying the City, and by conducting research to identify locations where prominent members of Sunnyvale's history lived or where significant local historic events may have taken place. Outreach meetings would be conducted with affected and/or interested property owners and business owners, as well as the broader community. The Study would also examine the current list and the appropriateness of the specific designations.

Estimated years to complete study: 1 year

FISCAL IMPACT**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$250,000
Funding Source:	Will seek budget supplement

A consultant would conduct a survey of residential and non-residential developments and help evaluate individual properties for nomination to the City's Heritage Resource inventory.

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

STAFF RECOMMENDATION

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

The last citywide survey was conducted almost 15 years ago. An updated comprehensive study would be needed to further examine the condition of properties within the existing Inventory as well as identify new residential and non-residential properties that could be nominated. In 2019 this Study Issue was ranked however funding was not approved as part of the budget process. Although ranked, this Study Issue fell below the line in 2020. With the continual increase of redevelopment and evolving architectural design within the City, staff recognizes that an updated comprehensive survey of the existing building inventory is needed to help determine whether adequate preservation measures are in place and to identify new residential and non-residential properties that could be nominated. This Study is supported by the General Plan Community Character Chapter and its goal and policies to enhance, preserve and protect Sunnyvale's heritage.

Prepared by: George Schroeder, Senior Planner, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager



City of Sunnyvale

Agenda Item

21-0137

Agenda Date: 1/6/2021

2021 COUNCIL STUDY ISSUE

NUMBER

CDD 19-04

TITLE Update to the Historical Context Statement to Include Historical Contributions Made by Asian Americans and Other Minority Groups

BACKGROUND

Lead Department: Community Development

Support Departments: Office of the City Manager

Office of the City Attorney

Sponsor(s): Heritage Preservation Commission

History: 1 year ago: Ranked, Below the Line
2 years ago: Ranked, Below the Line

SCOPE OF THE STUDY

What precipitated this Study?

The City Council adopted the Historical Context Statement in 2012, which provides a framework for setting goals, policies and action statements that direct the City's heritage preservation program. The Historical Context Statement documents different aspects of the historical development of Sunnyvale, such as land use patterns, important events, and architecture. In addition, prominent figures who have contributed to Sunnyvale's history are included, such as the early Native Americans, Spanish-Mexican settlers, European farmers, and Japanese and Chinese laborers and farmworkers.

The Heritage Preservation Commission identified the need for an update to the Historic Context Statement to include more thorough information about Asian Americans and other minority groups. An updated document could help to inform the Council on potential heritage and landmark resources that are not currently designated for preservation.

What are the key elements of the Study?

The Study would expand on the current Historical Context Statement with more detailed information on contributions made by Asian Americans and other minority groups to Sunnyvale's rich and diverse history. Research may include a review of existing publications not already referenced in the current Historical Context Statement, meeting with the Sunnyvale Heritage Park Museum staff, and visits to local libraries and the California History Center at De Anza College.

Estimated years to complete study: 1 year

FISCAL IMPACT

Cost to Conduct Study

Level of staff effort required (opportunity cost): Minor

Funding Required for Non-Budgeted Costs: \$25,000
Funding Source: Will seek budget supplement

A historical consultant would be hired, who would also have access to additional information that may not be readily available to City staff.

Cost to Implement Study Results

Minimal cost expected to implement.

EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

STAFF RECOMMENDATION

Support. This policy issue merits discussion at the 2021 Study Issues Workshop.

Staff acknowledges that this additional research would provide an opportunity to further recognize the various achievements of a continually growing diverse community and could inform future decisions related to designation of heritage and landmark resources.

Prepared by: George Schroeder, Senior Planner

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

Attachments

1. Link to Historical Context Statement

Link to the City of Sunnyvale's Context Statement:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=26672>



City of Sunnyvale

Agenda Item

21-0138

Agenda Date: 1/6/2021

2021 COUNCIL STUDY ISSUE

NUMBER

CDD 19-06

TITLE Programs to Encourage Visitation to Heritage and Landmark Resources

BACKGROUND

Lead Department: Community Development

Support Departments: Office of the City Manager
Office of the City Attorney

Sponsor(s): Heritage Preservation Commission

History: 1 year ago: Ranked, Below the Line
2 years ago: Deferred by Council

SCOPE OF THE STUDY

What precipitated this Study?

The City has approximately 57 structures listed on the Heritage Resources Inventory, as well as a few neighborhoods and several trees. Attachment 1 contains a list of these Heritage Resources and a description of Local Landmarks. The Sunnyvale Bicycle and Pedestrian Advisory Commission sponsored a map created in the 1990s for a self-guided bike tour of resources (Attachment 2), plus some of the exhibits in the Heritage Park Museum include information and pictures of some of these resources. The Heritage Preservation Commission has expressed interest in exploring additional programs to encourage visitation to these resources to educate the community about the City's history.

The following General Plan goal supports the study:

Goal CC-6 KNOWLEDGE OF SUNNYVALE'S HERITAGE. Promote knowledge of, and appreciation for, Sunnyvale's heritage and encourage broad community participation in heritage programs and projects.

What are the key elements of the Study?

Several initial steps would be undertaken including: a survey of other cities to find examples of city-sponsored programs that encourage visitation to heritage resources; interviews with Heritage Park Museum staff; and, discussion with multiple City departments with a relationship to the existing Heritage Preservation programs. The Study would include research of similar efforts by other cities and outreach to various community and business groups. An evaluation of the costs to develop and maintain these programs would be completed. Staff would also conduct outreach to property owners of heritage resources to determine if they are interested in having their property included in a program.

Estimated years to complete study: 1 year

FISCAL IMPACT**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Minor
Funding Required for Non-Budgeted Costs:	\$25,000
Funding Source:	General Fund

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION

Council-Approved Work Plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Heritage Preservation Commission

STAFF RECOMMENDATION

Defer. This policy issue merits discussion at a future Study Issues Workshop.

Staff considers the concept worthy of study, and it would be beneficial to increase community awareness of the City's heritage resources, as supported by the General Plan's Community Character Chapter and its goal to promote knowledge of Sunnyvale's history. Deferral is recommended due to the in-person efforts the study would require with interviews, staff coordination, community outreach, and site visits. It is advisable to discuss the study following the end of the COVID-19 emergency and health orders issued by Santa Clara County and the State of California.

Prepared by: George Schroeder, Senior Planner, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

Attachments

1. Heritage Resources Inventory and Local Landmarks
2. Heritage Bicycle Tour Map



CITY OF SUNNYVALE

HERITAGE RESOURCES INVENTORY

HERITAGE RESOURCES

Sunnyvale's original Heritage Resources Inventory was adopted in 1979, recognizing properties which have architectural or historic significance. Since that time, the City has added over twenty additional Heritage Resources (adoption date in parentheses). Major exterior changes or demolitions must be approved by the Heritage Preservation Commission through a Resource Alteration Permit. For more information, please contact the Planning Division.

BAYVIEW AVENUE 252 S. Bayview BORREGAS AVENUE 655 Borregas (3/22/83) CHARLES STREET 297 Charles COOLIDGE AVENUE 802 Coolidge CRESCENT AVENUE Crescent Avenue Streetscape 148 Crescent 156 Crescent 434 Crescent 448 Crescent FLORA VISTA AVENUE 321 Flora Vista (8/21/90) FRANCES STREET Frances Street Streetscape (400-500 Blocks) 432 S. Frances 454 S. Frances 464 S. Frances 471 S. Frances 498 S. Frances 500 S. Frances 505 S. Frances 575 S. Frances 580 S. Frances GALLOWAY COURT 1409 Galloway	MARY AVENUE 113 S. Mary (2/24/81) MATHILDA AVENUE 221 N. Mathilda 235 S. Mathilda MCKINLEY AVENUE 322 E. McKinley (9/11/84) 384 E. McKinley (8/21/90) 398 E. McKinley (8/21/90) MORSE AVENUE 635 Morse (1/15/85) MURPHY AVENUE Murphy Avenue Streetscape (400-500 Blocks) 161 N. Murphy 445 S. Murphy 519 S. Murphy 523-525 S. Murphy 529 S. Murphy 533-535 S. Murphy 585 S. Murphy 591 S. Murphy OAK COURT 6 Oak Court Oak Court - Hendy Ironworks Lamppost (6/30/87) PASTORIA AVENUE 274 S. Pastoria (moved from Mary/Central Ex.) RAMON DRIVE 1358 Ramon (moved from 1535 Sunnyvale-Saratoga Rd.)	RANERE COURT 1029 Ranere (7/28/81) REMINGTON DRIVE 550 E. Remington - Bianchi Barn (2003) SARA AVENUE 325 Sara (10/4/83) SUNNYVALE AVENUE N. Sunnyvale Avenue Streetscape (100 Block) 184 N. Sunnyvale 229 N. Sunnyvale 506 S. Sunnyvale (1/12/82) 525 S. Sunnyvale (1/12/82) SUNNYVALE-SARATOGA ROAD 1039 Sunnyvale-Saratoga Sunnyvale-Saratoga/Fremont (Fremont High School) TAAFFE STREET Taaffe Streetscape (500 Block) 571 S. Taaffe WASHINGTON AVENUE 306 E. Washington 368 E. Washington (3/22/83) 384 E. Washington (8/24/82) 388 E. Washington (8/24/82) 480 E. Washington WAVERLY STREET 225 Waverly 279 Waverly 381 Waverly WRIGHT AVENUE 1325 Wright
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HERITAGE TREES

The following trees are listed in Sunnyvale's Heritage Resources Inventory. Removal of a Heritage Tree must be approved by the Heritage Preservation Commission. For more information, please contact the Planning Division.

BERNARDO AVENUE 1650 S. Bernardo <i>Coast Live Oak</i> CALGARY DRIVE 1748 Calgary Drive <i>Coast Live Oak</i> CALIFORNIA AVENUE 130 E. California (Site of Murphy Homestead) <i>Palm Trees</i> DARTSHIRE WAY 814 Dartshire <i>Dawn Redwood</i> FREMONT AVENUE 871 E. Fremont (Former Butcher's Corner) 3 <i>Coast Live Oak</i> and 1 <i>Valley Oak</i> HENDY AVENUE 501 E. Hendy <i>American Chestnut</i>	HENDY AVENUE 501 E. Hendy <i>American Chestnut</i> HOLLENBECK AVENUE 880-882 Hollenbeck (Bocks Ranch) <i>Sycamores</i> IVES TERRACE <i>Valley Oak</i> MANZANITA AVENUE 755 Manzanita <i>Coast Redwood</i> PASTORIA AVENUE 467 S. Pastoria <i>Coast Redwood</i> PICASSO TERRACE 674 Picasso <i>Coast Live Oaks</i>	REMINGTON DRIVE 550 E. Remington (Community Center) <i>California Live Oak</i> SHERATON DRIVE 696 Sheraton Drive <i>Coast Live Oak</i> SUNNYVALE AVENUE 545 S. Sunnyvale <i>Monkey Puzzle</i> TOWN CENTER LANE 2502 Town Center Lane (Town Center Trees) <i>Variety Tree Grove</i> TIFFANY COURT 679 Tiffany Court <i>Coast Live Oak</i>
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RESOURCES AND TREES REMOVED FROM THE INVENTORY

The following structures and trees have been removed since the inception of the inventory. Removal date of structures is indicated in parentheses. Properties removed since 2004 have undergone special review by the Heritage Preservation Commission.

ALBERTA AVENUE 666 Alberta (Not Available) BAYVIEW AVENUE 305 S. Bayview (8/21//90) CALIFORNIA AVENUE 444 California (Libby's) (1998) CASCADE DRIVE 1043 Cascade (1994) CHARLES STREET 335 Charles (2018)* CRESCENT AVENUE 120 Crescent (1984) 125 Crescent (1981) 138 Crescent (1984) 410 Crescent (1982) 418 Crescent (1982) 428 Crescent (2002) 454 Crescent (1999) EL CAMINO REAL 140 W. El Camino Real (Olson)(1999) 870 E. El Camino Real (Butcher Farmhouse)(1980) 1111 W. El Camino Real <i>Valley Oak</i>	EVELYN AVENUE 185 E. Evelyn (1986) 394 E. Evelyn (Sunnyvale/Ryan Hotel)(2006)* FAIR OAKS AVENUE 182 Fair Oaks (Cal Cannors) (1986) FLORA VISTA AVENUE 329 Flora Vista (2010) FLORENCE AVENUE 353 Florence (1998) 373 Florence (1999) FRANCES STREET 479 Frances (1994) FREMONT AVENUE 534 W. Fremont (1980) HEATHERSTONE AVENUE 960 Heatherstone <i>Casa Delmas Magnolia</i> MACARA AVENUE 437 Macara (Evulich House (1984)	MATHILDA AVENUE 212 N. Mathilda (1990) 562 S. Mathilda (2018)* MAUDE AVENUE 333 W. Maude (1980) MCKINLEY AVENUE 435 E. McKinley (2018)* 437-439 E. McKinley (1998) 693 W. McKinley (2009)* MORSE AVENUE 316 Morse (2017)* MURPHY AVENUE 461 S. Murphy (2005)* 529 S. Murphy <i>California Black Walnut</i> OLD SAN FRANCISCO ROAD 585 Old San Francisco (2005)* SUNNYVALE AVENUE 102 S. Sunnyvale (Brandt Building) (1983) 199 N. Sunnyvale (2005)* SUNNYVALE-SARATOGA ROAD 1545 Sunnyvale-Saratoga (1992)
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* Removed by determination of the Heritage Preservation Commission



CITY OF SUNNYVALE

LOCAL LANDMARKS

Sunnyvale's Local Landmarks were adopted in 1979, recognizing properties and trees which are particularly important reminders of the community's heritage. Since that time, the City has added additional landmark properties. Major exterior changes must be approved by the Heritage Preservation Commission through a Landmark Alteration Permit. For more information, please contact the Planning Division.

BRIGGS-STELLING HOUSE 822 Springfield Terrace

Originally constructed in the 1870's for George H. Briggs and extensively reconstructed in the 1920's for the Henry S. Stelling family, the mansion recounts the history of Sunnyvale. Briggs was one of the earliest pioneers who came from Boston in 1854. Stelling, the son of one of San Jose's first orchardists, grew pears and award winning cherries. Under his wife's care, the gardens surrounding the mansion became a showcase.

COLLINS-SCOTT WINERY 775 Cascade Drive

Built in 1881 by the Collins brothers, the Collins-Scott Winery is the oldest brick building in Sunnyvale. In 1889 a private railroad was built on the property and more than 300 gallons of wine were shipped daily. In 1927 all of the buildings except the brick distillery were destroyed by fire. In 1965 the present owners, the Duane Heinlen family, remodeled the structure as it stands today.

DEL MONTE BUILDING 114 S. Murphy Avenue

Built in 1904 by the Madison & Bonner packing Company, the building was used for processing dried fruit from nearby orchards. Cannery mergers in 1916 formed the California Packing Corporation now known as "Del Monte." From 1930 to 1986 the building was used for seed processing and research. In 1993, the building was moved to the northeast corner of the 100 block of S. Murphy Avenue (the Murphy Station Heritage Landmark District) to avoid demolition. The building has since been renovated for commercial use.

HENDY IRON WORKS (Northrop Grumman) 501 E. Hendy Avenue

Constructed in 1906, Hendy Iron Works was an industrial pioneer in Sunnyvale. Originally producing equipment for mining gold and silver, the Company supplied Marine Engines in both World War I and World War II. In continuous operation from 1906 to 1946, the company was purchased by Westinghouse Electric in 1947. The water tower stored Sunnyvale's emergency water supply in the early 1900's.

LIBBY WATER TOWER 460 W. California Avenue

McNeill & Libby opened in 1907 and by 1922 became the world's largest cannery. The original tower supplied water to the cannery and its workers and was replaced in 1965 by the present structure.

505 S. MURPHY AVENUE

The residence was built in 1939 by the Homer Pfeiffer family and remained in the family until it was sold in the mid-1980's. It is an excellent example of the Tudor Revival style as applied to the suburban house and embodies distinctive characteristics of homes constructed during this period of architecture.

**MURPHY STATION
LANDMARK DISTRICT**
100 Block of South Murphy
Avenue

"Murphy Station" was established when Martin Murphy Jr., a California Pioneer, granted the railroad the right- of-way through his land in 1864. The stop saw the arrival and departure of important dignitaries who visited Murphy's Bayview Ranch, a focal point of political and social activity in the Santa Clara Valley.

In 1898 William Crossman, a real estate developer, purchased 200 acres from Murphy and named the town Encinal, "Place where the live oak grows." The first post office and general store were built on this street near the site of Murphy Station. The town was renamed Sunnyvale in 1901 and incorporated in 1912. The railroad and industrial buildings ran east and west and the business district ran north and south, providing the base from which Sunnyvale grew. The 100 block of South Murphy Avenue is the original downtown commercial district. Most of the structures were built between 1900 and 1940.

SPALDING HOUSE
1385 Ramon Drive

Built in the early 1920's by C.C. Spalding, the mansion served as his family residence. Spalding was the first treasurer of the City of Sunnyvale and is best remembered for his contributions to the development of Murphy Avenue. He organized and established the Bank of Sunnyvale in 1906 and later became a State Legislator.

STOWELL HOUSE
901 Sunnyvale/Saratoga
Road

The Stowell House is so named because until 1999, when Dolly Stowell died, it had been the family residence of Sunnyvale pioneer Charles Stowell and his descendents. Stowell bought the home from F. C. Fry in 1899, who had built the home circa 1890. Stowell and his brother-in-law Charles Spaulding were prominent businessmen in the community. They built the S & S building on the corner of Murphy Avenue and Washington Avenue. They also were involved in the construction of several other prominent buildings, including the First Baptist Church and the U.S. Post Office.

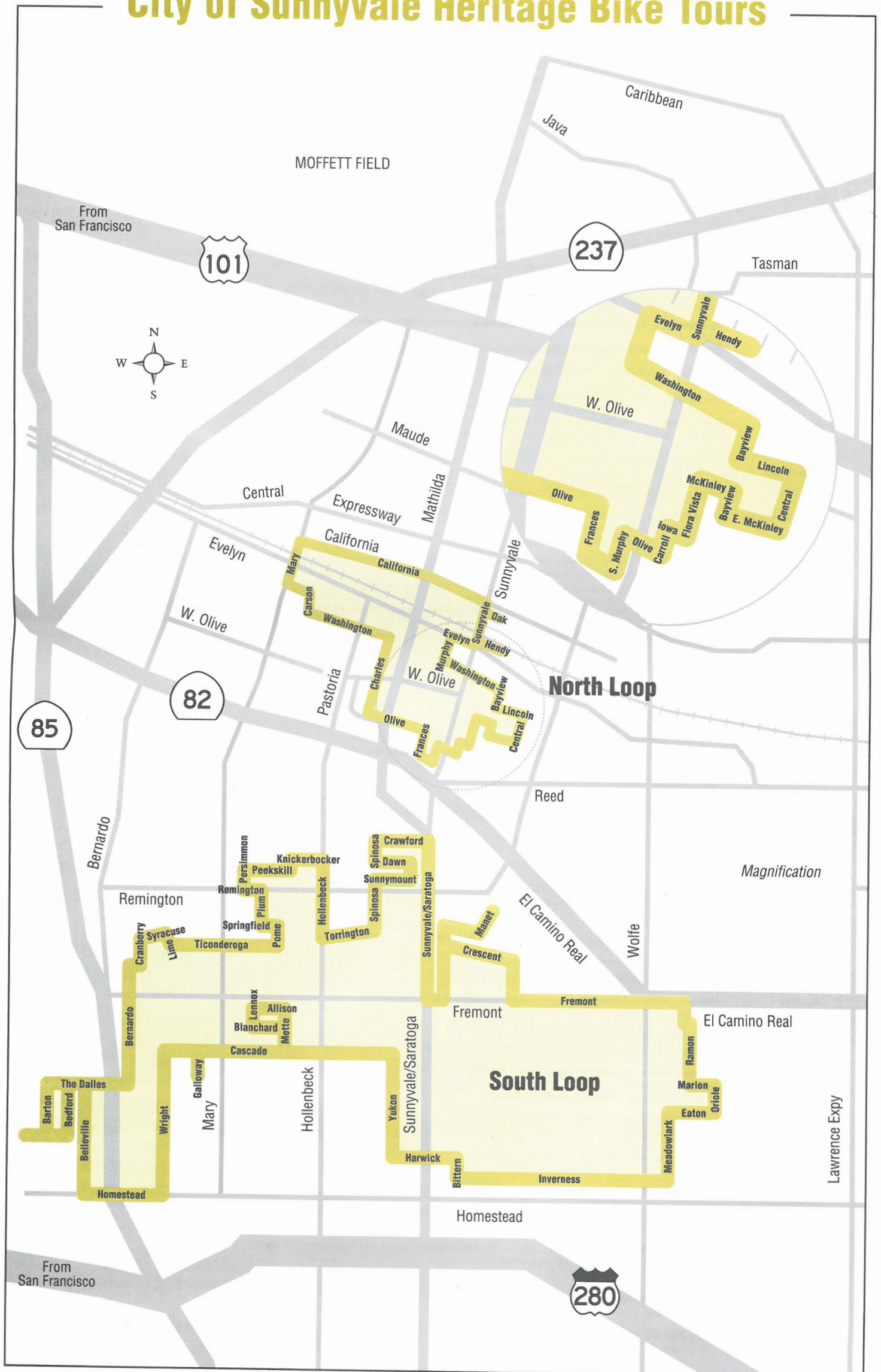
VARGAS REDWOOD TREES
1004 Carson Drive

These Coast Redwoods were planted in 1900 by Manuel Vargas, "Mr. Sunnyvale." The saplings were gathered during a family outing to Pescadero, and planted at the entrance to the Vargas family home.

WRIGHT RANCH
1234 Cranberry Avenue

Originally part of a 320 acre ranch, this is Sunnyvale's oldest remaining ranch house. It was built circa 1870 by William Wright, a 49'er who left the gold fields to raise grain and stock.

City of Sunnyvale Heritage Bike Tours



City of Sunnyvale Heritage Bicycle Tours

South Loop — 13.9 miles

Address	Directions and Description	Date of Landmark	Segment Mileage	Total Mileage
Community Center — OPHIE	Manet at Remington. Site of the Orchard Heritage Park Interpretive Exhibit (OHPiE). The ten-acre apricot orchard is owned by the city and cared for by Charlie Olson. Look at the fountains and art at the Community Center. <i>South on Manet to Crescent, take left, continue on Crescent bike crossing to make a right on Rembrandt then left on Fremont Ave. to make a right on Eleanor and a left onto Ramon.</i>		0.0	0.0
			1.1	1.1
1385 Ramon	Spalding House. This home was built on Sunnyvale Ave. in 1916 and moved to its present location in the 1980's. Mr. Spalding was the first treasurer of Sunnyvale and later a state legislator. With Charles Stowell, he developed the Murphy Ave. business district and established the Bank of Sunnyvale. <i>Keep South on Ramon turning left onto Marion, the right onto Oriole, right onto Eaton, left onto Meadowlark Lane, right onto Inverness, right onto Bittern, left onto Harwich, which crossing Saratoga/Sunnyvale turns into Alberta, right onto Yukon.</i>	1916		
775 Cascade	Collins-Scott Winery. It is the oldest brick building in Sunnyvale. At one time there was a private railroad on the property which shipped 300 gallons of wine daily. <i>Continue West on Cascade, right onto Mette, left onto Blanchard, right onto Lennox.</i>	1881	0.6	4.7
1970's Era Eichler mini-loop	These are example of the last Eichlers to be built in Sunnyvale. They are much bigger than those of the 1950's. <i>Right onto Allison Way, right back onto Mette, and then right onto Cascade going West, left onto Galloway Court.</i>	Early 1970's	0.7	5.4
1409 Galloway Court	This house was originally built in bungalow style and has been tastefully expanded more than once. <i>Left onto Cascade, left onto Wright Ave., right onto Homestead Road, right onto Belleville Way, left onto The Dalles Ave., left onto Bedford, right onto Barton.</i>	1911	2.1	7.5
Stevens Creek Tree Canopy	This section of virgin trees was ignored by the early settlers and has never been disturbed. Access is behind West Valley Elementary School, which contains a bridge access across Stevens Creek over to Los Altos. <i>North on Barton, right onto The Dalles, take the bicycle bridge across 85, left onto Bernardo, right onto Ticonderoga, left onto Cranberry.</i>		1.1	8.6
1234 Cranberry Avenue	The Wright House. This is the oldest ranch house in Sunnyvale and was built by William Wright, who was a 49'er. It is now being refurbished. <i>Take Cranberry North, take right onto Syracuse, right onto Lime, left onto Ticonderoga, left onto Pome, left on Springfield Terrace.</i>	1870	0.9	9.5
1175 Pome Ave. (visible only from Springfield Terrace)	The Briggs-Stelling House. This home was built in the 1870's and reconstructed in the 1920's. Briggs was an early pioneer who came to Sunnyvale in 1854. <i>Turn left onto Pome, left onto Plum, left onto Remington, right onto Persimmon, right onto Peekskill, right onto Ranere Court.</i>	1870's	1.0	11.4
1029 Ranier Court	Caviglia Ranch. Built in the Spanish Eclectic Revival style with iron grills and balconies,. James Caviglia owned 30 acres of cherries. <i>Make right onto Peekskill, make right onto Knickerbocker, right onto Hollenbeck, right onto Torrington Drive.</i>	1934	1.0	11.4
1950-60's Eichler Homes	<i>Continue on Torrington, turns into Spinosa, right onto Sunnymount, left onto Dawn Drive, right onto Spinosa.</i> This is end of section containing Eichler homes. <i>Continue North on Spinosa, on entering the Los Palmas Park—on the right will be access to Crawford Drive, make the right and continue with a right onto Sunnyvale-Saratoga Road.</i>		1.0	12.4
901 Sunnyvale-Saratoga	The Stowell House. It is in the Queen Anne style and is on the oldest continuously-worded farm in Sunnyvale. Three generations of this family have graduated from Fremont High School. <i>Continue South on Sunnyvale-Saratoga until Fremont Avenue.</i>	1890	0.7	13.1
1279 Fremont Avenue	Fremont High School. This school is one of Sunnyvale's most significant architectural monuments. It was designed and started by William Henry Weeks in the style of many public buildings of the era. <i>Make a U-turn at Fremont Avenue, now you are going North, turn right onto Crescent Avenue.</i>	1926	0.3	13.4
Crescent	Easter Gables Project. The bungalows left on this street were part of the 1920's poultry business and their deep lots had chicken houses in the back. <i>Turn left onto Manet to the Community Center.</i>	1929	0.5	13.9

North Loop — 5.7 miles

Address	Directions and Description	Date of Landmark	Segment Mileage	Total Mileage
260 N. Sunnyvale Ave.	Martin Murphy, Jr., house and museum. The Parks and Recreation building houses the Sunnyvale Museum which has photos and artifacts of local interest. Pick up walking tour brochure of Murphy Ave. <i>Starting from parking lot, turn right on California, turn right on Sunnyvale, bike up to 229 Sunnyvale Ave.</i>	Ca. 1850 prefabricated home, razed in		
229 N. Sunnyvale Ave.	Unusual one story wood framed bungalow with three front gables. Note vertical vent on porch, repeated on upper gable. <i>Backtrack to park, take a left on California Ave., right into Oak Ct.</i>	1910		
Oak Court	This is the first cul de sac in Sunnyvale. Hendy lamppost in the center, which was manufactured at Hendy Iron Works, was installed in 1937 <i>Left on California, left on Sunnyvale Ave., left on Hendy,, then left into the Iron Man Museum</i>	1937 lamppost	0.1	0.1
			0.6	0.7
Iron Man Museum.	For tour of museum, call 735-2020. Original building with arches is now a National Engineering Landmark. <i>Backtrack on Hendy, left onto Sunnyvale Ave., turn right onto Evelyn, left on Murphy</i>	1906		
100 Block of Murphy Ave.	Historical District of Sunnyvale. Original commercial district. Walking tour brochure available at Murphy Park Museum <i>Left on Washington, right on Bayview, left on Lincoln, right on Central Ave., right on E. McKinley</i>	1897 to 1940	0.4	1.1
437, 439 E. McKinley	Cannery Office in 1925, moved to present location in 1942 <i>Continue on McKinley, right on Bayview, left on McKinley, left on Flora Vista</i>	1906 or 1907	0.5	1.6
Flora Vista	One of the oldest residential districts in Sunnyvale, also its narrowest street <i>Right on Iowa, left on Carroll, right on Olive, left on S. Murphy Ave.</i>	1920's	0.2	1.8
505 S. Murphy	Homer Pfeiffer House. Built for a cannery supervisor <i>Continue on Murphy, right through automotive parking lot just before El Camino, to Rooster T. Feathers</i>	1940	0.5	2.3
157 W. El Camino	Rooster T. Feathers, formerly Andy Capp's Tavern, where Nolan Bushnell first field tested the video game "Pong" which started the video game industry <i>Continue past Rooster T. Feathers, turn right onto Frances</i>	1970's	0.4	2.7
400 and 500 Blocks of Frances	First Historic Residential District Home sold originally for \$600 <i>Left on Olive, left on Taaffe</i>	1930's	0.2	2.9
500 Block of S. Taaffe	The Magnolias were planted in 1937-38. Homes from 1925-1937 <i>Backtrack to Olive, turn left, cross Mathilda at the light, right on Charles St.</i>	1925-37	0.1	3.0
297 Charles	Dalton House. Mr. Dalton was one of the first daily commuters to San Francisco	1908	0.5	3.5
283 Charles	Welford Cochran House. Daughter Edwina Benner was Sunnyvale's, and California's, first woman mayor in 1924 <i>Continue down Charles, left at Washington, right on Carson</i>	1906		
1004 Carson	Manuel Vargas Redwoods at the corner of Carson and Mary. These trees were planted by Mr. Vargas, later known as "Mr. Sunnyvale", at the entrance to the Vargas' 10 acre farm <i>Right on Mary</i>	1900	0.7	4.2
113 S. Mary	Irvine House. Dutch Colonial subtype of the Colonial Revival style. Designed by the San Jose firm of Wolfe & Higgins <i>Continue on Mary, cross RR tracks, right on California, right at Sobrante into Applied Signal Tech parking lot</i>	1919	0.1	4.3
444 W. California	Libby Water Can. The original water tower supplied the cannery and its employees. Painted in 1985 by Sunnyvale artist Anita Kaplan. <i>Turn right on California, back to Murphy Park</i>	Ca. 1940's	0.9	5.2
			0.5	5.7



City of Sunnyvale

Agenda Item

21-0139

Agenda Date: 1/6/2021

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



City of Sunnyvale

2020 Code of Ethics and Conduct for Elected and Appointed Officials

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

-- Matthew Arnold

Table of Contents

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

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

Policy Purpose

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

A. ETHICS

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

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

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

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

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

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

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

B. CONDUCT

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

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

1. Elected and Appointed Officials' Conduct with One Another

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

-- William Butler Yeats

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

1(a). In Public Meetings

Use formal titles

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

Practice civility and decorum in discussions and debate

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

Honor the role of the chair in maintaining order

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

Avoid personal comments that could offend other members

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

Demonstrate effective problem-solving approaches

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

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

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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*

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

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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 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

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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.

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

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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.

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

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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.

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

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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 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

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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.

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.

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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 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.

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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 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

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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.

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?

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- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

F. GLOSSARY OF TERMS

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

G. IMPLEMENTATION

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

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Adopted: RTC 08-113 (4/8/08), Update: RTC 09-036 (2/3/09); Updated: RTC 09-047 (2/24/09); Approved with no changes: RTC 10-078 (3/23/10); RTC 11-058 (3/29/11); RTC 12-067 (3/20/2012); Updated: RTC 13-060 (3/19/13); Approved with no changes: RTC 14-0211 (3/18/14); RTC 15-0050 (3/24/15); RTC 16-0360 (4/5/16); RTC 17-0161 (3/28/17); RTC 18-0036 (1/9/18); RTC 19-0185 (2/26/2019); RTC 20 0021 (3/17/2020)

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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