



City of Sunnyvale

Notice and Agenda

Council Subcommittee on Boards and Commissions

Thursday, February 11, 2021

2:00 PM

Telepresence Meeting: City Web Stream

Special Meeting - 2 PM

Because of the COVID-19 emergency and the “shelter in place” orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Council Subcommittee on Board and Commission Bylaw Amendment will take place by teleconference, as allowed by Governor Gavin Newsom’s Executive Order N-29-20.

- *Watch the City Council meeting at <http://youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the City Council up to 4 hours prior to the meeting to council@sunnyvale.ca.gov or by mail to City Clerk, 603 All America Way, Sunnyvale, CA 94086.*
- *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/97267381426>

Meeting call-in telephone number: 833-548-0276 | Meeting ID: 972 6738 1426

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 Office of the City Clerk may be reached at (408) 730-7483 or cityclerk@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

CALL TO ORDER

Call to Order via teleconference.

ROLL CALL

A [21-0178](#) Selection of Chair

PRESENTATIONS

B [21-0312](#) Update Regarding Operational Changes Initiated by Staff
Following the November 17, 2020 Joint Meeting of City
Council With Board and Commission Chairs and Vice Chairs

C [21-0313](#) Overview of the Board and Commission Study Issue
Sponsorship Process

PUBLIC COMMENT

This category provides an opportunity for members of the public to address the Subcommittee 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 the Subcommittee to take action on an item not listed on the agenda. If you wish to address the Subcommittee, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

1.A [21-0311](#) Approve the Council Subcommittee on Board and Commission
Bylaws Amendments Meeting Minutes of April 26, 2019

Recommendation: Approve the Council Subcommittee on Board and Commission
Bylaws Amendments Meeting Minutes of April 26, 2019 as
submitted.

GENERAL BUSINESS

If you wish to speak to a general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes.

- 2 [21-0314](#) Policy Issues for Subcommittee Consideration Identified at the Nov. 17, 2020 Joint Meeting of City Council With Board and Commission Chairs and Vice Chairs

Recommendation: Staff makes no recommendation. This report is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

ADJOURNMENT

NOTICE TO THE PUBLIC

The agenda reports to council (RTCs) may be viewed on the City's website at sunnyvale.ca.gov in the Office of the City Clerk located at 603 All America Way. Any agenda related writings or documents distributed to members of the Subcommittee regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the afternoon of the Subcommittee Meeting, pursuant to Government Code §54957.5. Please contact the Office of the City Clerk at (408) 730-7483 to access City Hall to view these materials and for specific questions regarding the agenda.

Planning to provide materials to the Subcommittee?

If you wish to provide the subcommittee with copies of your presentation materials, please provide 12 copies of the materials to the Office of the City Clerk. The City Clerk will distribute your items to the subcommittee following the meeting.



City of Sunnyvale

Agenda Item

21-0178

Agenda Date: 2/11/2021

Selection of Chair



City of Sunnyvale

Agenda Item

21-0312

Agenda Date: 2/11/2021

SUBJECT

Update Regarding Operational Changes Initiated by Staff Following the November 17, 2020 Joint Meeting of City Council With Board and Commission Chairs and Vice Chairs



City of Sunnyvale

Agenda Item

21-0313

Agenda Date: 2/11/2021

SUBJECT

Overview of the Board and Commission Study Issue Sponsorship Process



City of Sunnyvale

Agenda Item

21-0311

Agenda Date: 2/11/2021

SUBJECT

Approve the Council Subcommittee on Board and Commission Bylaws Amendments Meeting Minutes of April 26, 2019

RECOMMENDATION

Approve the Council Subcommittee on Board and Commission Bylaws Amendments Meeting Minutes of April 26, 2019 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Council Subcommittee on Board and Commission Bylaws Amendments

Friday, April 26, 2019

11:00 AM

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

Special Meeting

CALL TO ORDER

Chair Hendricks called the meeting to order at 11:01 a.m.

ROLL CALL

Present: 3 - Member Glenn Hendricks
Member Gustav Larsson
Member Russ Melton

CONSENT CALENDAR

- 1.A** [19-0478](#) Approve the Council Subcommittee on Board and Commission
Bylaws Amendments Meeting Minutes of March 20, 2019

Subcommittee Member Larsson moved and Subcommittee Member Melton
seconded the motion to approve the Council Subcommittee on Board and
Commission Bylaws Amendments Meeting Minutes of March 20, 2019 as submitted.
The motion carried by the following vote:

Yes: 3 - Member Hendricks
Member Larsson
Member Melton

No: 0

PUBLIC COMMENT

Unidentified member of the public addressed the Subcommittee.

GENERAL BUSINESS

- 2** [19-0479](#) Recommendations on City Practices and Policies Relative to
Boards and Commissions to Ensure Their Continued
Effectiveness

Senior Management Analyst Lupita Alamos provided the staff report.

The Subcommittee discussed process improvement and/or policy amendment in the following topic areas:

1. Board and Commission Member Onboarding Process
2. Study Issue Process
3. Agenda Planning
4. Board and Commission Outreach Strategies

The Subcommittee suggested the following recommendations relating to the onboarding process:

- Retaining current Council Policy which states "Attendance at Board and Commission meetings by the council liaison is encouraged but not mandatory".
- Clarifying the role of the council liaison by identifying expectations of the role.

The Subcommittee requested staff include excerpts of City Charter Section 807 Prohibition Against Councilmanic Interference and Council Policy 7.2.19 Boards and Commissions in the final report to Council.

Public comment opened at 11:27 a.m.

Unidentified members of the public addressed the Subcommittee.

Chair Hendricks requested members of the public identify themselves.

The following members of Boards and Commissions and members of the public provided public comment:

Ralph Kenton, Chair, Parks and Recreation Commission (PRC)
John Cordes, Chair, Bicycle and Pedestrian Advisory Commission (BPAC)
Dave Simons, Vice Chair, Planning Commission (PC)

Public comment closed at 11:41 a.m.

The Subcommittee suggested the following recommendations relating to the administrative onboarding process:

- Removing recommendation B if the current Board/Commission application includes a section for candidates to explain their qualifications.
- Revising recommendation C to include that policies applicable to boards and commissions will be updated on the board and commission website.

The Subcommittee suggested the following recommendation relating to the Study Issues process:

- Providing board and commission members with an overview of council's criteria, priorities and philosophy when ranking study issues.

Public comment opened at 11:51 a.m.

The following members of Boards and Commissions and members of the public provided public comment:

Kevin Jackson, member of the public
Bruce Paton, Chair, Sustainability Commission (SC)
John Cordes, Chair, BPAC
Dave Simons, Vice Chair, PC
Ralph Kenton, Chair, PRC

Public comment closed at 11:59 p.m.

The Subcommittee suggested the following recommendation relating to agenda planning:

- Identifying the chair's role with setting the agenda in relation to staff.

Public comment opened at 12:09 p.m.

The following members of Boards and Commissions and members of the public provided public comment:

Ralph Kenton, Chair, PRC
Kevin Jackson, member of the public
Bruce Paton, Chair, SC

John Cordes, Chair, BPAC
Dave Simons, Vice Chair, PC

Public comment closed at 12:15 p.m.

Subcommittee Members commented on the role of boards and commissions relating to outreach strategies. Boards and commissions serve as a communication link between the community and the City regarding issues under their purview.

Public comment opened at 12:23 p.m.

The following members of Boards and Commissions and members of the public provided public comment:

Ralph Kenton, Chair, PRC
Kevin Jackson, member of the public
Bruce Paton, Chair, SC
Dave Simons, Vice Chair, PC

Public comment closed at 12:31 p.m.

Subcommittee Member Larsson moved and Subcommittee Member Melton seconded the motion to authorize Chair Hendricks to work with staff to prepare a report that incorporates the Subcommittee's action and summary items. The motion carried by the following vote:

Yes: 3 - Member Hendricks
Member Larsson
Member Melton

No: 0

ADJOURNMENT

Chair Hendricks adjourned the meeting at 12:36 p.m.



City of Sunnyvale

Agenda Item

21-0314

Agenda Date: 2/11/2021

REPORT TO COUNCIL

SUBJECT

Policy Issues for Subcommittee Consideration Identified at the Nov. 17, 2020 Joint Meeting of City Council With Board and Commission Chairs and Vice Chairs

BACKGROUND

On November 17, 2020, the City Council held a joint study session with Board and Commission (B/C) Chairs and Vice Chairs. The purpose of the study session was to discuss issues related to B/C meeting effectiveness. During the study session, Mayor Klein announced he would form the Council Subcommittee on Boards and Commissions to review the recommendations and issues discussed during the study session.

Staff has reviewed B/C member comments and has separated those of an operational nature from those pertaining to a policy issue. A separate presentation on the February 11, 2021, Council Subcommittee on Boards and Commissions meeting agenda provides the Subcommittee and public an update regarding operational changes initiated by staff following the joint study session. In addition, staff will present an overview of the study issues process with a demonstration of the City's website where updates are maintained.

This report provides the Subcommittee an opportunity to consider policy issues identified during the study session and potentially make recommendations regarding Council Policy 7.2.19 Boards and Commissions (Attachment 2) to the City Council.

EXISTING POLICY

Council Policy 7.1.7 Budget Issue Process (Attachment 1)

Council Policy 7.2.19 Boards and Commissions (Attachment 2)

Council Policy 7.3.26 Study Issues Process (Attachment 3)

ENVIRONMENTAL REVIEW

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

DISCUSSION

Staff identified the following policy issues for the Subcommittee to consider. The subcommittee can take these items under consideration and action may or may not be taken on all the items listed.

1. Continue providing remote public participation via Zoom or similar technology after the shelter in place and stay at home orders associated with the COVID-19 Pandemic are lifted.

2. Add new “fast-track” process for low-cost, smaller projects, separate from the study issues process. See Attachment 3 (Council Policy 7.3.26 Study Issues Process) and Attachment 4 (Board/Commission Study Issue Sponsorship Process) regarding the study issue process as well as Attachment 5 (Sunnyvale Democratic Club - Study Issue Recommendations) and Attachment 6 (Livable Sunnyvale - Study Issue Recommendations) for recommendations to update the study issue submitted by the Sunnyvale Democratic Club.
3. Hold joint meetings between the City Council and B/C Chairs and Vice Chairs more often.
4. Schedule joint study sessions among boards and commissions allowing for communication on best practices pertaining to boards and commissions.
5. Develop a mechanism for developing policy ideas for a specific B/C.
6. Allow boards and commissions to create their own standing sub-committees.
7. Permit board and commission members to add items to an agenda that does not require extensive work.
Staff Comment: A definition of “extensive work” should be included if this policy idea is recommended to the City Council.
8. Review Council policy and provide B/C members the ability to respond to emails received from the public.
9. Allow boards and commissions to update their annual work plans through-out the year.
Staff Comment: This is allowed and requires changes to a work plan to be reviewed and approved by the City Council.
10. Review communication of ideas with members of the public and board and commission members outside of public meetings.
11. Create a task force to review the Code of Ethics and Conduct for Elected and Appointed Officials, study issues process and Council Policy 7.2.19 Boards and Commissions.
12. Allow B/C members to propose and sponsor budget issues.

Policy issue identified by staff for consideration:

13. Maintain voter registration requirement for non-Charter boards and commissions. For example, consider Sunnyvale residency as the primary membership requirement instead of voter registration.
Staff Comment: Modifying the voter registration requirement for boards and commissions created by the City Charter would require a voter approved charter amendment.

FISCAL IMPACT

Consideration of these policy issues is not anticipated to have a fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Recommend changes to Council Policy 7.2.19 Boards and Commissions to the City Council.
2. Other direction as provided by the City Council Subcommittee.

STAFF RECOMMENDATION

Staff makes no recommendation. This report is developed to facilitate a conversation for the public hearing and for consideration and possible action by the City Council Subcommittee.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Council Policy 7.1.7 Budget Issue Process
2. Council Policy 7.2.19 Boards and Commissions
3. Council Policy 7.3.26 Study Issues Process
4. Board/Commission Study Issue Sponsorship Process
5. Sunnyvale Democratic Club - Study Issue Recommendations
6. Livable Sunnyvale - Study Issue Recommendations

COUNCIL POLICY MANUAL

Policy 7.1.7 Budget Issue Process

POLICY PURPOSE:

One of Council's primary roles is to approve an annual budget. While the city manager submits a proposed budget to Council, Council can propose the addition of one-time or ongoing expenses through budget supplements.

It is the purpose of this policy to identify those aspects of the City's Budget Issue process for which Council has established required standards. This policy is in no way intended to constrain the actions or options of the city manager with respect to the number or type of budget issues or supplements he or she includes in the context of his/her recommended budget, to Council, and those aspects of the City's Budget Issue process not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the city manager.

POLICY STATEMENT:

1. Budget Issue Sponsorship

A Council sponsored budget issue must receive the support of at least two councilmembers in order for staff to prepare a budget issue paper, and for the issue to be considered at the Council Study/Budget Issues Workshop, and subsequently during the budget approval process.

2. Selection of Budget Issues

Any Council-proposed budget addition of a one-time or ongoing expenditure is subject to the budget issue process. Exceptions to this approach include emergency issues, and urgent budgetary issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council. Exceptions such as this shall be processed as budget modifications in accordance with established Department of Finance practice.

3. Deadlines for Councilmember-Proposed Budget Issues

A. New Council-proposed budget issues are due to the city manager no later than three weeks in advance of the annual Study/Budget Issues Workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.

B. Additional budget issues may be proposed during the annual workshop.

4. Drop or Deferral of Issues

A. At the Study/Budget Issues Workshop, Council shall drop, defer, or refer to the subsequent budget workshop each proposed budget issue. Any issue that is dropped by a majority vote of Council will not be eligible for consideration during next year's process unless sponsored by a majority of the Council. Any issue that is deferred shall automatically be returned for Council's consideration the following

COUNCIL POLICY MANUAL

year. Any issue referred to the budget shall be brought back as budget supplements for Council's consideration during the subsequent budget workshop, whether or not the City Manager includes the issue in his/her recommended budget.

Lead Department: Finance

(Adopted: RTC 014-0568 (9/30/14))

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

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

1. POLICY STATEMENT:

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

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

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

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

2. BOARD AND COMMISSION BYLAWS

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

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

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

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

(VIII) **Personnel Board:**

Formed by City Charter Section 1007. This five-member board acts in an advisory capacity to the City Council and City Manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m.

(IX) **Planning Commission:**

Formed by City Charter Section 1009. This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 7p.m.

(X) **Sustainability Commission:**

This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action Plan (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m.

B. Eligibility and Membership

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

(I) **Spouses, Household Members, and Relatives**

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

(II) Concurrent Service

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

(a) Exception:

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

(III) Specific membership requirements for charter-related Boards and Commissions are as follows:**(a) Board of Building Code Appeals:**

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

(b) Personnel Board:

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

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

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

(c) Planning Commission:

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

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

(a) Arts Commission:

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

(b) Bicycle and Pedestrian Advisory Commission:

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

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

(c) Housing and Human Services Commission:

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

(d) Sustainability Commission:

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

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

(V) Limitation on Terms

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

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

C. Recruitment

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

D. Appointment

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

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

Individual Candidate Votes:

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

Paper Votes:

The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences. The City Clerk will distribute individual voting sheets to be completed by each Councilmember. The candidate receiving the

most votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain.

Resolving ties:

Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the City Attorney to draw the name of the person to be appointed.

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

(I) Exception:

(a) Board of Building Code Appeals:

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

E. Oath of Office

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

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

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

F. Required Training/Conferences and Disclosure Obligations

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or City Manager and may include

topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or “how to run a meeting” for board and commission chairs).

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

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

- Members of the Planning Commission

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

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

G. Officers

(I) Selection of Chair and Vice Chair

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

and vice chair in accordance with practices and procedures outlined by the Office of the City Clerk.

(II) Chair's Role and Responsibilities

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) Ensures that items on the agenda are in alignment with the Council approved work plan. Should the chair and the staff liaison disagree regarding the agenda, the City Manager shall have final authority subject to appeal to the City Council.
- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.

(III) Vice Chair's Role and Responsibilities

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

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

(I) Meetings

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

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

(II) **Attendance**

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

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

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

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

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

* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or commission routinely meets. For example, if the Heritage Preservation Commission is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered “regular meetings”.

Any other meetings shall be considered special meetings. Regularly scheduled meeting *dates and times* for all boards and commissions shall be posted on the City's Web site and in the Boards and Commissions Handbook.

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

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

(III) **Quorums**

Boards and commissions have a quorum present when a majority of their total membership is present. "Total membership" means the number of members indicated in Section 2.A (I) through (VIII); i.e., the Planning Commission has a total membership of seven.

(IV) **Majority and Abstentions**

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

(V) **Ad-hoc Committees**

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

I. Duties

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

(I) **General Duties**

(a) Work Plans

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

(b) Study Issues Process

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

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

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

(c) Budget

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

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

(d) Operational Issues

Upon request by staff, boards and commissions may serve as advisory bodies to staff regarding operational issues.

(II) **Specific Duties**

Boards and Commissions shall focus their work within the scope of the General Duties and Specific Duties as defined, unless conferred upon by the Council as described in Additional Duties (Section I, III).

(a) Arts Commission:

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

(b) Bicycle and Pedestrian Advisory Commission:

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

(c) Board of Building Code Appeals:

- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal.
(Source: Sunnyvale Municipal Code Chapter 16.16.020)

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

public input and provide recommendations to Council regarding the content of those plans.

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

*human services as defined by Council Policy 5.1.3

(g) Parks and Recreation Commission:

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

(h) Personnel Board:

- i Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed, and report its finding to the City Council and City Manager; the findings

and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom. *(Source: City Charter Section 1008)*

- ii After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations. *(Source: City Charter Section 1008)*
- iii Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the City Council may require by ordinance. *(Source: City Charter Section 1008)*

(i) Planning Commission:

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

(j) Sustainability Commission:

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- i. Advise City Council on policy issues addressing sustainability goals.
- ii. Advise City Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
- iii. Periodically review policies governing specific practices, such as greenhouse gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
- iv. Advise City Council on ways to drive community awareness, education, and participation in best practices.
- v. Review and make recommendations to City Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

(III) Additional Duties

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

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

(I) Staff Support to Board and Commissions

- (a) The City Manager shall appoint a staff liaison to support each board and commission.

(II) Role in Public Communication

- (a) In addition to their role as advisors to the City Council, boards and commissions, as a body, serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link, explaining City programs and recommendations, advocating established City policy and services, as well as providing a forum for public comment.

(III) Board and Commission Role Outside of Meetings

- (a) 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 City Council or the board or commission to do so for a particular purpose.
- (b) Private.
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.
- (c) Public.
In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception: during a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)
- (d) Board and Commission Communication and Code of Ethics.
Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

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

(Source: Code of Ethics and Conduct for Elected and Appointed Officials)

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

- (e) Board and Commission Communication with City Council
Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

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

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

Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter. *(Source: Community Engagement Sub-Element 7.2C.5(a))*

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

- i. Consult with the board/commission chair. If possible, this is the preferred course of action.
- ii. Consult with the Mayor.
- iii. Consult with another Councilmember.

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

- i. The Mayor.
- ii. The Council Subcommittee on Bylaws.
- iii. The full Council.

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

- Facilitate communication of information on policy issues from the public to the boards and commissions

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

K. Recognition

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

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

L. Resignation/Completion of Term

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

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

M. Sanctions

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in

memo format to the chair of the respective board or commission, the City Clerk, the City Attorney, the City Manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

(a) Censure

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the City 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.

(b) Harassment

The City of Sunnyvale is committed to providing an environment for employees, elected or appointed officials, members of the public, or contractors that promotes dignity and respect and is free from discrimination and harassment. The City maintains a strict policy prohibiting all forms of harassment and discrimination based upon protected classifications as defined below. “Protected Classification” includes race, religion (including religious dress or grooming practice), religious creed, color, sex (includes gender, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding), sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity, national origin, ancestry, citizenship status, military and veteran status, marital status, family relationship, age, medical condition, genetic characteristics and/or genetic information, and physical or mental disability.

Any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved. Because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Sunnyvale encourages early reporting of concerns or complaints. Prompt reporting will better enable the City to respond, investigate if necessary, provide an appropriate remedy, and impose discipline if appropriate.

For information or to file a complaint, contact any of the following:

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- The City's Human Resources Director, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3001;
- The City's Employee Relations Manager, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3029;
- The City Manager, City Attorney, Assistant City Manager, Deputy City Manager, Department Directors, or other managers.

N. Investigations

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

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

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

O. Removal

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

- (I) Failure to maintain eligibility requirements
- (II) Failure to take the required Oath of Office
- (III) Failure to complete required training
- (IV) Failure to meet attendance requirements

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(V) Failure to fulfill board or commission duties

(VI) Failure to adhere to Council policy governing board and commission member interaction with City Council, the public, staff, and/or other board or commission members.

(VII) Violation of Code of Ethics and Conduct

P. Administrative Policies

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

Q. Council Liaisons to Board and Commissions

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

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

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

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

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible

resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

R. Council Subcommittee

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

((Adopted: RTC 07-148 (5/1/07); clarity update 9/21/07; Revised by RTC 08-043 (2/12/08) in accordance with Council action on 11/27/07 and 1/29/08; Revised by RTC 08-294 (10/14/08); Revised by RTC 09-047 (2/24/09); Revised by RTC 09-098 (5/12/09); clerical update (5/15/09); Revised by RTC 09-315 (12/15/09); Revised by RTC 10-143 (5/25/10) in accordance with Council action on 3/23/10; Revised by RTC 10-217 (8/31/10); Revised by RTC 10-249 (9/14/10); Revised by Resolution 458-10 (11/9/10); Revised by RTC 11-009 (1/25/11) in accordance with Council action on 12/7/10; Amended: RTC 11-184 (8/23/2011); Amended by Council action (9/13/2011); Amended by Council action (12/6/2011); Revised by RTC 12-010 (2/7/2012); Amended by Council action, Item #5 (5/15/2012); Revised by RTC 15-0401 (4/21/2015); Clarity Update 6/9/15; Revised by RTC 19-0649 (8/27/19); Revised by RTC 19-1060 (10/29/19))

Lead Department: Office of the City Manager

Policy 7.3.26 Study Issues Process

POLICY PURPOSE:

One of Council's primary roles is to establish City policy. It does so by creating new policies and revising/deleting old policies by majority vote. Council's time is limited, however, as is the number of policies it is able to consider in any given year. The study issues process provides a method for identifying, prioritizing and analyzing policy issues in an efficient and effective way. It provides a structured approach for addressing the large number of policy issues that are raised and considered by Council for study each year.

It is the purpose of this policy to identify those aspects of the City's Study Issue process for which Council has established required standards. Those aspects of the City's Study Issue not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the city manager.

POLICY STATEMENT:

1. Study Issue Sponsorship

A Council sponsored study issue must receive the support of at least two councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop.

2. Selection of Issues for Study

Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.

3. Deadlines for Councilmember-Proposed Study Issues

- A.** New Council-proposed study issue topics are due to the city manager no later than three weeks in advance of the annual study issues workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.
- B.** Any Council-generated study issues proposed later than three weeks in advance of the annual workshop, with the exception of those sponsored under A. above, shall be considered in the next year's study issues process.

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4. Drop or Deferral of Issues

- A. At the Study Issues Workshop, Council shall drop, defer, or rank in priority order each proposed study issue. Any issue that is dropped by a majority vote of Council will not be eligible for consideration at the next year's Workshop unless sponsored by a majority of the Council. Any issue that is deferred shall automatically be returned for Council's consideration the following year.

5. Sub-Element Revisions

Unless adjusted by a majority of Council, Sub-Elements of the City's General Plan shall be revised according to the schedule of revisions depicted in the Council-approved Capital Improvement Project Plan included in the City's ten year budget. As each sub-element is reviewed and updated, pending policy issues are addressed, resulting in fewer policy-related study issues being generated and proposed for Council consideration each year. Sub-element revisions shall not be ranked by Council during the study issues ranking process.

6. Ranking Method

Council shall vote utilizing a combination of *Forced Ranking* (for departments with ten or fewer issues to rank) and *Choice Ranking* (for departments with eleven or more issues to rank) for ranking study issues at the annual workshop. Specifically,

- **Forced Ranking** (for ranking ten or fewer issues) – Councilmembers individually and simultaneously rank each issue that was not deferred or dropped. Ranking are from “1” to the total number of issues, with “1” representing the highest priority issue for study. Each number can be used only one (no ties) and each issue must receive a ranking.
- **Choice Ranking** (for ranking eleven or more issue) – The total number of items to be ranked (after deferring or dropping issues) is divided by three and each Councilmember is given the resulting number of votes (rounding up). For example, if there are twelve issues, each Councilmember will receive four votes. Councilmembers allocate their votes, one each, to their highest priority issues. Some issues will receive votes and others may not. A tally is made of votes received for each issue. Two-way ties between issues are resolved by quick hand votes of the Council. The final ranking is determined by the number of votes received.

This method shall also be utilized by boards/commissions when ranking study issues for Council consideration.

7. Number of Study Issues Conducted Each Year

Following Council's determination of study issue priorities, the city manager shall advise Council of staff's capacity for completing ranked issues. Council reserves the right to expand that capacity by increasing budgeted resources.

(Adopted: RTC #08-180 (June 24, 2008); Amended: RTC #08-344 (December 2, 2008); Amended: RTC #10-017 (January 26, 2010))

Lead Department: Office of the City Manager

Board/Commission Study Issue Sponsorship Process

Role of Boards and Commissions

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

Study Issue Sponsorship Process

To ensure consistency in approach and practice, all boards and commissions shall use the same study issue sponsorship process outlined below:

Submitting a Study Issue Form and Agendizing Potential Study Issues

Before a new study issue can be proposed by a board/commission member, a Study Issue Form must be completed by the board/commission member and submitted to the board/commission staff liaison. The purpose of the form is to help explain, clarify and focus a board member or commissioner's idea prior to presenting to the full board/commission for discussion. A board member or commissioner may work with the board/commission liaison outside of the meeting to discuss the study issue idea and receive input.

Upon receipt, the board/commission staff liaison will have 30 days to complete a summary scope and comments. Time flexibility will be provided at the discretion of the Director if multiple forms are submitted in one month to the board/commission liaison, and more time is needed to complete the form. The study issue idea will then be agendized under ***Consideration of Potential Study Issues***, for discussion at the next meeting.

Note that any board or commission member may submit a Study Issue Form to agendize a study issue idea for discussion; a second from another board or commission member is not required.

Majority Support for List of Proposed Study Issues

Once the study issue idea has been agendized, the agenda item discussion will consider the merit and scope of the study issue. If the item receives a majority support, the study issue shall be added to a running list of proposed study issues, which shall be available at each board and commission meeting. The list shall include a working study issue title and summary of the scope, including comments from the board/commission liaison; see attached table (page 4). It is the responsibility of the liaison, not the board member or commissioner, to write the summary. The liaison may choose to use the summary provided in the Study Issue Form if it reflects the vote of the board or commission. At this point, the proposed study issue has not received official sponsorship.

Items that fail to receive majority support, will not move forward in the process and will be considered as dropped.

Official Sponsorship of Study Issues

Toward the end of the calendar year, but no later than October, boards and commissions will review the list of proposed study issues they generated and officially vote on sponsorship for each individual study

issue. Sponsorship means that the study issue is approved for ranking with a majority vote of the board/commission.

Staff will then prepare the sponsored study issue papers, including fiscal impact **but not** the staff recommendation. Board and commission members may submit written comments and language recommendation for the study issue paper; it is staff's responsibility to write the paper.

If the sponsorship process is conducted in September or earlier, the board/commission liaison may bring back the draft study issue paper for board/commission review and/or clarification within 30 days. Any items agendized after September will not be brought back for review by the board/commission.

All sponsored study issues are due to the Office of the City Manager by the first week in December; study issues may be edited at the discretion of the City Manager.

Summary of Process

1. Submit and Agendize- Study Issue Form submitted to liaison; liaison has 30 days to write a summary scope and comments. Item is then placed on the next agenda.
2. Propose- once properly noticed, board/commission members discuss merit and scope of study issue and vote to add to the Proposed Study Issues list.
3. Sponsor- no later than October, board/commission members vote to sponsor study issues from the Proposed Study Issues list.

Timeline

Year-Round

Study issues may be proposed year-round by majority vote of the board/commission and tracked on a running list of proposed study issues.

	Scenario 1	Scenario 2
Date	Board/Commission Members Review Study Issue Papers Prior to CM Review	Board/Commission Members Do <u>NOT</u> Review Study Issue Papers Prior to CM Review
August	Last month for board/commission member to submit Study Issue Form to liaison. Liaison has 30 days to write summary scope and comments, and add it to the next meeting agenda.	
September	Study issue is noticed on the agenda for discussion, majority vote needed to be included in Proposed Study Issues List.	
	In the same meeting, board/commission reviews Potential Study Issues list, and vote for sponsorship.	Last month for board/commission member to submit Study Issue Form to liaison. Liaison has 30 days to write summary scope and comments, and add it to the next meeting agenda.
October	Draft study issue papers (without staff recommendation) are brought back for board/commission review.	Study issue is noticed on the agenda for discussion, majority vote needed to be included in Proposed Study Issues List.
		In the same meeting, board/commission reviews Proposed Study Issues list, and vote for sponsorship.
November	Liaison have 30 days to incorporate any changes to study issue papers.	Liaisons have 30 days to write study issue papers. Due to time constraints, study issue papers will not be brought back for board/commission review.
December	Study issue papers are due to the CM first week in December.	Study issue papers are due to the CM first week in December.
January	Board and commissioners rank sponsored study issues under their purview.	Board and commissioners rank sponsored study issues under their purview.

Proposed Study Issues*

Date	Study Issue Working Title	Summary of Scope	Staff Comments

*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.



From: Sunnyvale Democratic Club Study Issue Task Force

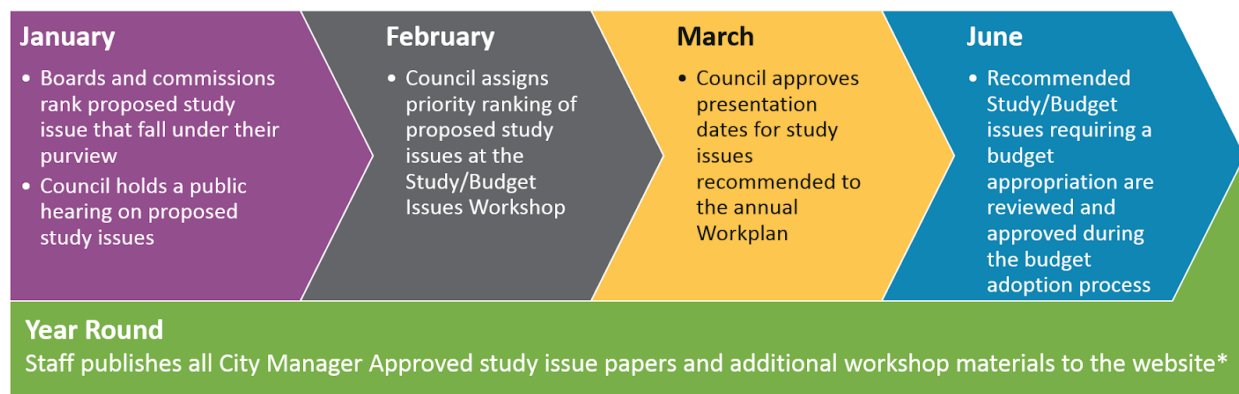
To: Mayor Klein, Vice-Mayor Hendricks, City Council Members and City Manager Steffens

In recent years, we have noticed the length of time it takes to review and implement an idea using the Sunnyvale Study Issue process is extremely lengthy. A clear example is the three year delay in completing the Housing Strategy Study. During this three year period, the City Council took little or no action on most housing issues, which negatively impacted our community.

Many of the same concerns were raised at a recent meeting with the Chairs and Vice-Chairs of City commissions.

The Sunnyvale Democratic Club has formed a Task Force to collect recommendations for improving the Study Issue process. Following are our recommendations.

Current Study Issue process (for reference):



*Although study issue topics can be submitted at any time, for an issue to potentially receive consideration during the next workshop, it should be submitted before October to allow time for staff to prepare materials ahead of the upcoming annual prioritizing process.

[Board/Commission study issue procedure](#)

Issues:

1. **It takes too long to get a study issue implemented.** Commissions need to submit proposed study issues in September or October. After several steps, the issues that survive are approved in June. If it is a larger issue, staff prepares an RFP, accepts bids and awards the project, so it could easily be a year after its proposal before the study issue begins.
2. **Many ways to block or delay a study issue.** In addition to the length of time to complete the study issue process, there are many opportunities to block or delay a study issue such as; not 'sponsored' by a commission, 'deferred' by a commission, 'deferred' by council, 'rejected' by council, or prioritized but not funded. Note that It could take up to two years (or more) after a study is sponsored by a commission before work begins if, for example, a study issue is proposed in November or December (missing the deadline for ranking in January) or if it is deferred by the Council to the next year, or if it is prioritized by Council, but not funded (also delaying it for a year).
As an example, ESD 17-01 was sponsored by the Sustainability Commission in September 2016 and it is still 'live' and will be ranked by the commission (for the fifth time) in January 2021. It was ranked highly by Council 3 times in 2017, 2018 and 2020 (but not funded), and deferred by council once in 2019.
3. **Omnibus issues.** Combining issues into a large "omnibus" study issue, seems to confuse the study issue process because decisions on all issues are delayed until every issue is fully studied.

Proposed changes:

Note: These proposals are not listed in order of priority. They also are not proposed as a "package", each suggestion stands on its own.

To look at these changes we ask for a joint subcommittee between councils and boards and commissions to look at the Study Issue process and boards and commissions generally.

1. Reduce the cycle time for approval. For example, if staff can prepare a budget estimate by the February meeting, the prioritization could take into account the relative cost of alternative study issues. If needed, hire outside consultants to estimate the time and costs. This could shorten the process by months.
2. Add a "fast track" process for urgent issues. Also for low cost issues.

3. Implement a semi-annual review instead of a yearly review to consider new issues and get status on ongoing study issues.
4. Avoid omnibus study issues. It is better to address different issues separately in a timely manner.
5. The entire study issue process should be made transparent. Most of the study issues result in hiring consultants at the cost of hundreds of thousands of dollars. There should be feedback from the commission for the vetting and hiring of consultants (if needed). Some of the commissioners are really experts (an example is the Sustainability Commission) and their expertise is not leveraged with the current process. The city can save resources (staff time, consultants) by leveraging commissioners and other “experts” within the city.
6. The entire process is a blackbox. Some issues go in and no one knows what or when anything comes out of the blackbox. Another way to say this is that the ‘Study Issue Process’ as shown above, essentially ends at approval and funding. After that, it is a ‘black box’.
7. We should have a “dashboard” or metric for measuring the study issues that have been implemented over time and the cost incurred by the city. The dashboard could include the full history of study issues proposed but not studied and those that were studied including the costs of each and the total cycle times (proposal to funding and funding to completion) should be available for viewing (including the proposal for those not studied and the final reports for those studied). There is a list of recent study issues over the last couple of years, but no visibility on older issues proposed, money spent on consultants, staff time spent, and cycle time of issues studied and completed. Over time have the cycle times increased?
8. The current study issue process is a linear process. Study issues are proposed, then later some are rejected. Still later they are prioritized and finally, after 5 months, staff estimates the resources needed and some fall below the line. A more effective process would be iterative. A rough estimate of staff/consultant time and cost should be done early, so that this can be considered when setting priorities. It might make sense to reduce the scope of a particular study issue or break it into parts with interim deliverables. Some smaller, or more urgent issues could be initiated early on, instead of waiting five months until every single proposed study issue is addressed.
9. Perhaps there is just not enough staff (or budget) to handle all the good ideas to be studied.... Suggest to build in more staff time and/or budget for the study issues each year.

10. Facilitate more collaboration between staff and the proposer in the initial formation of the study issue (scope, costs, etc). Leverage the expertise of commissioners as noted in #5 above.

We encourage the Council and Staff to consider some or all of these recommendations. In the private sector, there is no company that could survive with a once-a-year, six month process just to decide which issues to study for possible future action.

Respectfully,

Sunnyvale Democratic Club Study Issue Task Force:

Mike Serrone
Agnes Veith
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Contributors:

Kristel Wickham
Daniel Bremond
Richard Mehlinger



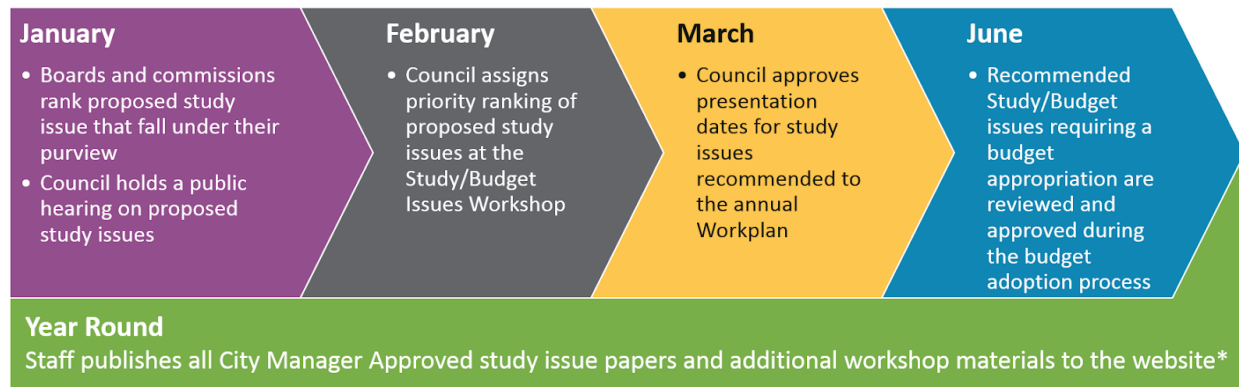
From: Livable Sunnyvale Board and Sunnyvale Democratic Club Study Issue Task Force
To: Mayor Klein, Vice-Mayor Hendricks, City Council Members and City Manager Steffens

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Respectfully,

Livable Sunnyvale Board

Richard Mehlinger

Justin Wang

Tara Martin-Milius

Galen Kim Davis

Gail Rubino

Mike Serrone