



City of Sunnyvale

Meeting Minutes - Draft

Council Subcommittee on Board and Commission Bylaws Amendments

Monday, June 2, 2014

6:00 PM

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

CALL TO ORDER

Chair Griffith called the meeting to order at 6:02 p.m. in the West Conference Room.

ROLL CALL

Present: 3 - Member Jim Griffith
Member Glenn Hendricks
Member David Whittum

CONSENT CALENDAR

- 1 [14-0546](#) Draft Minutes of the Council Subcommittee on Board and
Commission Bylaws Amendments Meeting of May 4, 2012

MOTION: Subcommittee Member Whittum moved and Chair Griffith seconded the motion to approve the minutes of the May 4, 2012 meeting. The motion carried by the following vote:

Yes: 2 - Member Griffith
Member Whittum

No: 0

Abstain: 1 - Member Hendricks

PUBLIC COMMENT

Kevin Jackson provided comments regarding the posting of the agenda on the new website and suggested the meetings could be better publicized. Jackson spoke regarding the importance of public access and communication to boards and commissions on issues of policy and operational concerns, and recommended improvements to public access to board and commission agendas at the Public Library. Jackson inquired as to how to get the vision triangle ordinance addressed, and stated it was not updated in the municipal code as directed by Council.

Thom Mayer expressed agreement with comments made by Kevin Jackson.

PUBLIC HEARING/GENERAL BUSINESS

2 [14-0553](#) Selection of Chair and Vice Chair

Chair Griffith opened the floor for nominations for Chair of the Subcommittee.

Subcommittee Member Whittum nominated Glenn Hendricks as Chair.

Subcommittee Member Hendricks seconded the nomination.

The nomination was approved by the following vote:

Yes: 3 - Member Griffith
 Member Hendricks
 Member Whittum

No: 0

Newly-elected Chair Hendricks presided for the remainder of the meeting.

Chair Hendricks opened the floor for nominations for Vice Chair.

Subcommittee Member Griffith nominated David Whittum for Vice Chair.

Subcommittee Member Whittum seconded the nomination.

The nomination was approved by the following vote:

Yes: 3 - Member Griffith
 Member Hendricks
 Member Whittum

No: 0

Chair Hendricks announced Councilmember Whittum has been selected to serve as Vice Chair of the Subcommittee.

3 [14-0564](#) Consideration of Modification to Council Policy 7. 2.19 Boards and Commissions:

- a. Section 2E: "Code of Ethics" Reference
- b. Section 2G(II): Chair's Role and Responsibilities
- c. Section 2H(III): Definition of a Quorum
- d. Section 2D: Appointment Process
- e. Section 2J: Interaction with Council, Public, Staff and Other

Board and Commission Members

a. Section 2E: "Code of Ethics" Reference

Public hearing opened at 6:12 p.m.

No speakers.

Public hearing closed at 6:12 p.m.

MOTION: Subcommittee Member Griffith moved and Subcommittee Member Whittum seconded the motion to recommend approval of the staff recommendation that the statement in Council Policy 7.2.19, Section 2.E "shall sign the City's Code of Ethics" be revised to refer to the City's "Model of Excellence" which is an attachment to the City's Code of Ethics. The motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

b. Section 2G(II): Chair's Role and Responsibilities

Public hearing opened at 6:15 p.m.

Kevin Jackson stated that subparagraph (f) indicates that Council wants to have board and commission representation at their hearing for items that the board or commission has dealt with and disagreed with the information provided in the staff memo. Jackson spoke in support of representation of both sides when there has been disagreement. Jackson spoke in support of study sessions as mentioned in subparagraph (h).

Jeanine Stanek, Heritage Preservation Commission, stated that it needs to be made clear to the Chairs about the expectations of coming to council meetings. Stanek stated she hadn't heard about quarterly meetings with the Chairs.

Thom Mayer suggested quarterly meetings may not be necessary, and spoke in support of annual meetings with the Chairs for improved communication between Council and commissions.

Public hearing closed at 6:21 p.m.

MOTION: Subcommittee Member Whittum moved and Subcommittee Member Griffith seconded the motion to leave the wording of Council Policy 7.2.19, Section

2.G.(II)(f) intact.

SUBSTITUTE MOTION: Subcommittee Member Whittum moved and Subcommittee Member Griffith seconded the motion to recommend that Council Policy 7.2.19, Section 2.G.(II)(f) be clarified where it states: "Board and commission chairs or a designated alternate must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed..." to state: "Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. However, they must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed by the board or commission when only action minutes from the board or commission meeting are available to Council." The substitute motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

MOTION: Subcommittee Member Whittum moved and Subcommittee Member Griffith seconded the motion to recommend revision of Council Policy 7.2.19, Section G.(II)(h) to change "Meets with Council in a study session setting on a regular, quarterly or otherwise schedule" to "Meets with Council in a study session setting on a regular schedule at least annually."

AMENDED MOTION: Subcommittee Member Whittum amended and Subcommittee Member Griffith seconded the amendment to include in Section G. (III)(c) under Vice Chair's Roles and Responsibilities, to strike: "on a regular, quarterly or otherwise schedule" and replace with: "per Section G.(II)(h)."

FRIENDLY AMENDMENT: Chair Hendricks suggested the motion be amended to include that the objective of the meeting is to focus on macro issues of reviewing, with the potential of improving the effectiveness of the meeting. Subcommittee Member Whittum accepted the amendment.

FRIENDLY AMENDMENT: Subcommittee Member Griffith suggested adding language regarding the purpose of the meeting in Section J, between the two sections at bottom of page 18 after it says: "Council shall be kept informed..." and before it says: "Council shall consider joint study sessions..."; to add a section saying: "Council shall conduct regular joint meetings with all board and commission

chairs and vice chairs as described in Section G, with the intent of reviewing and improving the overall running of board and commission meetings.

RESTATED MOTION: Chair Hendricks restated Councilmember Whittum's motion, to include revisions in three sections as follows:

- 1- Section G. (II)(h), "Meets with Council in a study session on a regular schedule at least annually."
- 2- Section G.(III)(c) the corresponding change in language to the Vice Chairs' Role and Responsibilities to state: "per Section G.(II)(h)";
- 3- Section J. on Interaction with City Council, Public, Staff, and other Board and Commission Members, at bottom of page 18 between the paragraphs that start as: "Council shall be kept informed..." and: "Council shall consider joint study sessions...", add a paragraph that states: "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 commission meetings.

The motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

c. Section 2.H.(III): Definition of a Quorum

Public hearing opened at 6:44 p.m.

Kevin Jackson stated that a downside to the staff proposed definition of a quorum is that boards and commissions might not be able to take any action for considerable periods when people are not available or there are vacancies and spoke in opposition to the more restrictive policy of what constitutes a quorum if it is not legally required.

Daniel Bremond stated that a decision that could be made by one or two persons is not democratic and spoke in support of the recommendation of staff.

Jeanine Stanek spoke in opposition to having too few people making final decisions.

Thom Mayer suggested that if it is a final decision, an appropriate number of people should make it, but that if it is not a final decision or just a recommendation to

Council, do with what you have.

Public hearing closed at 6:49 p.m.

MOTION: Subcommittee Member Griffith moved and Subcommittee Chair Hendricks seconded the motion to recommend approval of the staff recommended language to revise Council Policy 7.2.19, Section H.(III) Quorums, to read: "Boards and commissions have a quorum present when a majority of their total membership is present. 'Total membership' means the number of members provided for when the board or commission was created; i.e., the Planning Commission has a total membership of seven."

The motion carried by the following vote:

Yes: 2 - Member Griffith
Member Hendricks

No: 1 - Member Whittum

d. Section 2D: Appointment Process

Public hearing opened at 6:54 p.m.

Kevin Jackson stated the language gives an advantage to people who get nominated first and incentivizes voting for the early nominations. Jackson stated that the recommendation that an entire slate could be appointed with one vote wouldn't apply to different term limits and categories. Jackson spoke in favor of everybody getting a vote if they go through the entire application process.

Thom Mayer spoke in support of giving everybody a vote.

Public hearing closed at 6:57 p.m.

MOTION: Subcommittee Member Griffith moved and Subcommittee Member Whittum seconded the motion to propose the language in Section 2.D. be modified in the following ways: Under the section titled "Ranked-Choice Paper Votes", strike the words "Ranked-Choice" from the subject; strike the sentence "A ranked vote shall count as an affirmative vote" and change: "The candidate receiving the highest ranking..." to: "The candidate receiving the most votes and at least four affirmative votes will be appointed." The motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

e. Section 2J: Interaction with Council, Public, Staff and Other Board and Commission Members

Public hearing opened at 7:22 p.m.

Kevin Jackson spoke in favor of providing a way for the public to communicate directly to the commissioners and recommended the concerns over operational issues be handled through the board and commission members' training. Jackson stated the most important consideration is on page one of policy statement A, 7.2.19, policy statements A.1. and A.2, which state the boards and commissions provide a forum and opportunity for broad community participation and input. Jackson stated he would prefer to receive communications directly, rather than having it printed out and put in the agenda, similar to how it is handled for Council. He suggested including a notice on every message that it is visible to the public and becomes a public record.

Daniel Bremond stated that all communication with boards and commissions is driven by the Code of Ethics and that it is clearly stated that any subject discussed by the commission must be done in public. He stated that he agrees that the City website needs to be improved, but that it shouldn't become like the social media site "Nextdoor". He stated that, on the distinction between operational and the purpose of the commission, there is no limit, and that every decision has a financial impact.

Jeanine Stanek stated that the majority of Heritage Preservation Commissioners don't think private emails should be published. She stated that commissioners would like to see what's going on, but that there should be filters in some ways.

Thom Mayer stated that without communications from the public on operational issues, commissioners won't see problem trends. Mayer spoke in favor of including a paragraph in bold letters that states: "Do not respond to this. This is an operational issue that is only provided for your information." He stated the staff liaison should not be the gatekeeper of the information; the public should be the gatekeeper. Mayer stated that the public should have the opportunity to send comments to an email address which is sent to the staff liaison, who can then

amend the paragraph to it and forward to all commissioners.

Public hearing closed at 7:40 p.m.

MOTION: Subcommittee Member Whittum proposed a motion that the subcommittee supports electronic communication from the public to the boards and commissions with appropriate safeguards and supports a clarified, more cohesive approach to presenting that information on the web.

Motion died due to lack of a second.

MOTION: Subcommittee Member Whittum moved that the subcommittee recommends that the Council supports electronic communications from the public to the boards and commissions, subject to appropriate safeguards.

Motion died due to lack of a second.

MOTION: Subcommittee Member Whittum moved and Subcommittee Member Griffith seconded the motion to add to the set of five guiding principles for staff:

“Facilitate the public’s ability to provide information to the boards and commissions.”

RESTATED MOTION: Subcommittee Whittum restated the motion to include that the Subcommittee endorses that staff will be guided by the principles listed in the five bullet points that are on page four and five of the staff report, plus the additional principle: “Facilitate communication of information on policy issues from the public to the boards and commissions.” The motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

MOTION: Subcommittee Member Whittum moved and Subcommittee Member Griffith seconded the motion to recommend that the Mayor talk to the City Manager regarding timeliness in this matter. The motion carried by the following vote:

Yes: 3 - Member Griffith
Member Hendricks
Member Whittum

No: 0

PUBLIC COMMENT (Continued)

Chair Hendricks reopened the public comment period.

Daniel Bremond, Trustee of the Library, requested the subcommittee modify text regulating board, commission and Council meeting dates by adding that no meeting shall be held the day before or the day of an election. Bremond stated that members should not have to choose between attending a meeting or working for an election.

Chair Hendricks suggested the matter could be put on a future agenda.

Kevin Jackson referred to the page 12 of the policy manual chapter, subparagraph C stating "Budget..."; on the sentence above that, under study issues process stating: "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. Jackson stated that does not happen, and the commission often has to rank the study issues before they have seen them. He stated that when a correction is needed, the commission is told the City Manager has already signed it and it is too late to change it. He stated the commission would like to be able to see the proposed study issue and correct any misconceptions, because otherwise, the commission has to decide whether to drop it and try again the next year, or to go with one that isn't really what the commission requested.

Chair Hendricks suggested the Mayor may want to talk to the City Manager about directing staff to handle these processes more consistently.

ADJOURNMENT

Chair Hendricks adjourned the meeting at 8:34 p.m.