



City of Sunnyvale

Agenda Item

16-0313

Agenda Date: 3/29/2016

REPORT TO COUNCIL

SUBJECT

Discussion and Possible Council Action Relating to Sunnyvale's Rotational Schedule on the Santa Clara Valley Transportation Authority Board of Directors

BACKGROUND

In August 2011, the Santa Clara Valley Transportation Authority (VTA) notified affected member agencies, including the City, of the need to select representatives, based on city groupings, on the VTA Board of Directors for a two-year term beginning in January 2012. This was to be the first appointment under new city groupings, which were adopted by the VTA Board and member cities in 2009. Pursuant to the 2009 city groupings, which remain unchanged, Sunnyvale is in a northeast city grouping with Santa Clara and Milpitas. This city grouping has two Director positions and one Alternate Director position.

On October 18, 2011, Council considered RTC 11-236, *Consideration of Alternatives for Santa Clara Valley Transportation Authority Board of Directors Representation* (Attachment 4). The report indicated that the Mayor would represent Sunnyvale's position in discussions with Council representatives from Santa Clara and Milpitas. Council action on the report provided direction on a preferred alternative for representation on the VTA Board and allowed the Mayor more discretion to negotiate in the event that preference was not chosen.

The resulting agreed upon rotational schedule was outlined in a letter to the VTA Chairperson, dated February 6, 2012, and signed by the three mayors (see Attachment 2):

2012 - 2013	2014 - 2015	2016 - 2017	2018 - 2019
Santa Clara Milpitas Sunnyvale (Alt.)	Sunnyvale Milpitas Santa Clara (Alt.)	Sunnyvale Santa Clara Milpitas (Alt.)	Santa Clara Milpitas Sunnyvale (Alt.)

Each rotation represents a two (calendar) year term and establishes the role each city's representative will have - whether a Director or an Alternate Director. Under the agreed upon rotational schedule, Santa Clara and Sunnyvale hold the Director positions and Milpitas holds the Alternate Director position.

The March 15, 2016 City Council Meeting packet included an information only memo RTC 16-0244, *Clarification on Sunnyvale's Representation on the Santa Clara Valley Transportation Authority Board of Directors (Information Only)*; that memo is presented as Attachment 1. Mayor Hendricks requested that this item be placed on the agenda to allow an opportunity for Council discussion and possible action relating to the City's representation on the VTA Board of Directors.

EXISTING POLICY

Council Policy 7.4.12, *Council Intergovernmental Appointments.*

ENVIRONMENTAL REVIEW

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

DISCUSSION

In January (RTC 16-0004, January 5, 2016), the Council ratified the appointment of Councilmember Whittum as the Sunnyvale representative on the VTA Board of Directors. Attachment 1 of that report shows this appointment would be in the role as a Director. However, the VTA website lists Sunnyvale’s representative as an Alternate Director. The VTA confirmed the change was in response to two letters received in March 2016 from the representatives of the three cities altering the director/alternate designations of each city for 2016. Those letters are presented as Attachment 3.

The existing agreement establishing the rotational schedule, allows for the equal distribution of the Director and Alternate designation between the three cities. Altering that schedule has the potential to create an imbalance in the number of years each city’s representative will serve as a Director and Alternate on the VTA Board of Directors.

Furthermore, the legislation that created the VTA is clear that the *cities* in each city grouping are the entities responsible for selecting the directors and alternate directors for each city grouping. The letters sent to the VTA in March 2016 by the representatives of the three cities are noted as on behalf of these cities; however, that action was not approved by the Sunnyvale City Council. The City’s position is that any changes made to the VTA rotational schedule approved in 2012 would require the approval of the Council, which is consistent with past practice and the related legislation. Based on this recent activity, the City Council needs to decide how it would like to proceed: (1) approve the Alternate Director status for Sunnyvale or (2) work to restore the approved rotational schedule and Director status for Sunnyvale.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City’s website.

ALTERNATIVES

1. Affirm the 2012 Rotation Schedule, presented as Attachment 2 of this report, and authorize the Mayor, or other Councilmember, to pursue resolution with the VTA and the two other cities in the northeast city grouping.
2. Pursue an alternate rotation schedule, and authorize the Mayor, or other Councilmember, to pursue consent with the two other cities in the North-East city grouping and to communicate the alternate rotational schedule to the VTA.

3. Other action as directed by the Council.

STAFF RECOMMENDATION

Staff makes no recommendation.

It is the City Council's authority to establish its representation on regional boards and, therefore, City staff makes no recommendation.

Prepared by: Yvette Blackford, Senior Management Analyst

Reviewed by: Walter C. Rossmann, Assistant City Manager

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Report to Council 16-0244 *Clarification on Sunnyvale's Representation on the Santa Clara Valley Transportation Authority Board of Directors (Information Only)*
2. Letter to the Valley Transportation Authority Chairperson, February 6, 2012
3. Letters to the VTA from the North-East Cities Appointees, dated March 2 and March 3, 2016
4. Report to Council 11-236, *Consideration of Alternatives for Santa Clara Valley Transportation Authority Board of Directors Representation.*



City of Sunnyvale

Agenda Item

16-0244

Agenda Date: 3/15/2016

REPORT TO COUNCIL

SUBJECT

Clarification on Sunnyvale's Representation on the Santa Clara Valley Transportation Authority Board of Directors (Information Only)

BACKGROUND

With the recent resignation of the Santa Clara Mayor, there have been questions about the rotational schedule for representation for Sunnyvale on the Santa Clara Valley Transportation Authority (VTA) Board of Directors. Specifically, Councilmembers have asked about the Director and Alternate Director rotation status, which was approved by the three cities represented by the Northeast City grouping - Milpitas, Santa Clara, and Sunnyvale. This report presents details on the City's current grouping, status and the rotational schedule for representation on the Board.

In August 2011, the VTA notified affected member agencies, including the City, of the need to select representatives, based on city groupings, on the VTA Board of Directors for a two-year term beginning in January 2012. This was to be the first appointment under new city groupings, which were adopted by the VTA Board and member cities in 2009. Pursuant to the 2009 city groupings, which remain unchanged, Sunnyvale is in a northeast city grouping with Santa Clara and Milpitas. This city grouping has two director positions and one alternate director position.

DISCUSSION

Pursuant to the VTA Board Secretary, the legislation that created the VTA is very clear that the cities in each city grouping are the entities responsible for selecting the directors and alternate directors for each city grouping.

On October 18, 2011, Council considered RTC 11-236, *Consideration of Alternatives for Santa Clara Valley Transportation Authority Board of Directors Representation*. The report indicated that the Mayor would represent Sunnyvale's position in discussions with Council representatives from Santa Clara and Milpitas. Council action on the report provided direction on a preferred alternative for representation on the VTA Board and allowed the Mayor more discretion to negotiate in the event that preference was not chosen.

The resulting rotational schedule was outlined in a letter to the VTA Chairperson, dated February 6, 2012, and signed by the three mayors (see Attachment 1):

2012 - 2013	2014 - 2015	2016 - 2017	2018 - 2019
Santa Clara Milpitas Sunnyvale (Alt.)	Sunnyvale Milpitas Santa Clara (Alt.)	Sunnyvale Santa Clara Milpitas (Alt.)	Santa Clara Milpitas Sunnyvale (Alt.)

Each rotation represents a two (calendar) year term and establishes the role each city's representative will have - whether a director or an alternate director. Currently, Santa Clara and Sunnyvale hold the Director positions and Milpitas holds the Alternate Director position.

In January (RTC 16-0004, January 5, 2016) the Council ratified the appointment of Councilmember Whittum as the Sunnyvale representative; Attachment 1 shows this appointment would be in the role as a director. However, the VTA website lists Sunnyvale's representative as an alternate director. Staff is currently working with VTA to understand why Sunnyvale's representative is listed as an alternate director and to assure that the City's representation on the Board is consistent with the rotational schedule for appointments agreed to by the cities in February 2012. We believe that this is an inadvertent error and will provide a verbal update if more information is obtained before the March 15 City Council meeting.

Staff has been informed by VTA that representatives of our three cities have been in discussions over the last few weeks about reconfiguring the rotational schedule in a manner that alters the director and alternate designations of each city for the remainder of the schedule. The existing agreement, and the established concept supporting the schedule, allows for the equal distribution of the director and alternate designation between the three cities. Altering that schedule has the potential to create an imbalance between the years assigned to each city as director and alternate. Staff believes that any changes made to the VTA rotational schedule approved by the mayors of our three cities in 2012 would require the approval of the Council.

PUBLIC CONTACT

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

Prepared by: Yvette Blackford, Senior Management Analyst

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Letter to the Valley Transportation Authority Chairperson, dated February 6, 2012

**Mayor**

Jamie L. Matthews

Council Members

Lisa M. Gillmor
Will Kennedy
Patrick Kolstad
Patricia Mahan
Jamie McLeod
Kevin Moore

February 6, 2012

Honorable Ken Yeager, Chairperson
Santa Clara Valley Transportation Authority
3331 North First Street, Building B-1st Floor
San Jose, CA 95134-1927

Re: VTA Board Representation

Dear Chairperson Yeager:


As a result of regrouping of smaller cities in the County, the cities of Santa Clara, Sunnyvale, and Milpitas are now in one group. This group will have two seats on the Valley Transportation Authority (VTA) Board with one alternate. A letter, dated December 9, 2011, was sent to you outlining initial plans for Board representation for the small cities group comprising of Santa Clara, Milpitas, and Sunnyvale. Subsequently, a more detailed schedule for the VTA Board representation for Santa Clara, Milpitas, and Sunnyvale has been determined. This letter replaces the December 9, 2011 letter.

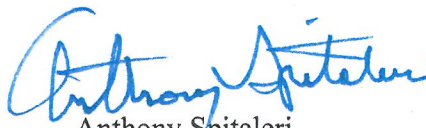
In early November 2011, the Mayors of Sunnyvale, Milpitas, and Santa Clara met to discuss our representation on the VTA Board. We have decided that the cities of Santa Clara and Milpitas will represent the group for the first two-year term with Sunnyvale as the alternate. Therefore, beginning January 2012, our group will be represented by Mayor Jamie Matthews of Santa Clara and Vice Mayor Peter McHugh of Milpitas with the representative from the City of Sunnyvale as the alternate. The City of Sunnyvale will be voting and approving their Councilmember for VTA Board representation this month. In summary, the following schedule is recommended:


<u>2012-2013</u>	<u>2014-2015</u>	<u>2016-2017</u>	<u>2018-2019</u>
Santa Clara	Sunnyvale	Sunnyvale	Santa Clara
Milpitas	Milpitas	Santa Clara	Milpitas
Sunnyvale (Alt.)	Santa Clara (Alt.)	Milpitas (Alt.)	Sunnyvale (Alt.)

We look forward to serving VTA, the residents of our cities, and the region by effectively managing critical transportation issues in our County.

Sincerely,


Jamie L. Matthews
Mayor
City of Santa Clara


Anthony Spitaleri
Mayor
City of Sunnyvale


Jose Esteves
Mayor
City of Milpitas

cc: City Managers
Michael Burns, VTA General Manager
Rajeev Batra, Director of Public Works/City Engineer

Mayor and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2250
FAX (408) 241-6771
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**Mayor**

Jamie L. Matthews

Council Members

Lisa M. Gillmor
Will Kennedy
Patrick Kolstad
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February 6, 2012

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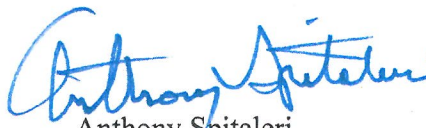
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Milpitas	Milpitas	Santa Clara	Milpitas
Sunnyvale (Alt.)	Santa Clara (Alt.)	Milpitas (Alt.)	Sunnyvale (Alt.)

We look forward to serving VTA, the residents of our cities, and the region by effectively managing critical transportation issues in our County.

Sincerely,


Jamie L. Matthews
Mayor
City of Santa Clara


Anthony Spitaleri
Mayor
City of Sunnyvale


Jose Esteves
Mayor
City of Milpitas

cc: City Managers
Michael Burns, VTA General Manager
Rajeev Batra, Director of Public Works/City Engineer

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Santa Clara, CA 95050
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www.santaclaraca.gov

March 2, 2016

Elaine Baltao, Board Secretary
Santa Clara Valley Transportation Authority
3331 N First Street
San Jose, CA 95134

Dear Ms. Baltao:

This is to inform you that on March 2, 2016, we, the representatives from the North East Cities, Group 5 (Cities of Milpitas, Santa Clara, and Sunnyvale), met to discuss and determine the replacement of former Santa Clara Mayor and former VTA Board Member Jamie Matthews to the Santa Clara Valley Transportation Authority (VTA) Board of Directors.

We approved the following representation for Group 5:

Regular Members:

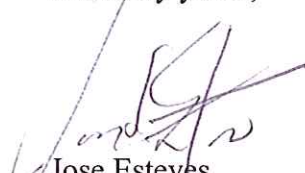
Jose Esteves,	City of Milpitas
David Whittum,	City of Sunnyvale


Alternate Member


Teresa O'Neil,	City of Santa Clara
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These appointments are effective beginning March 2, 2016 through December 31, 2016. If you have any questions, please feel free to contact us.

Sincerely yours,


Jose Esteves
for the
City of Milpitas


Teresa O'Neil
for the
City of Santa Clara


David Whittum
for the
City of Sunnyvale

March 3, 2016

Elaine Baltao, Board Secretary
Santa Clara Valley Transportation Authority
3331 N First Street
San Jose, CA 95134

Dear Ms. Baltao:

This is to inform you that on March ³2, 2016, we, the representatives from the North East Cities, Group 5 (Cities of Milpitas, Santa Clara, and Sunnyvale), met to discuss and determine the replacement for former Santa Clara Mayor and former VTA Board Member Jamie Matthews to the Santa Clara Valley Transportation Authority (VTA) Board of Directors.

We unanimously approved the following representation for Group 5:

Regular Members:


Jose Esteves, City of Milpitas
Teresa O'Neill, City of Santa Clara


Alternate Member

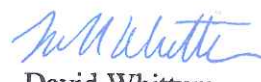
David Whittum, City of Sunnyvale

These appointments are effective beginning March ³2, 2016 through December 31, 2016. If you have any questions, please feel free to contact us.

Sincerely yours,


Jose Esteves
for the
City of Milpitas


Teresa O'Neill
for the
City of Santa Clara


David Whittum
for the
City of Sunnyvale

**Council Meeting: October 18, 2011****SUBJECT: Consideration of Alternatives for Santa Clara Valley Transportation Authority Board of Directors Representation****REPORT IN BRIEF**

In April, 2010, the Santa Clara Valley Transportation Authority (VTA) Board approved a new grouping of smaller cities within Santa Clara County for Representation on the VTA Board. The new representation will be effective January, 2012. The City of Sunnyvale is now grouped with the cities of Milpitas and Santa Clara. This group, called the North East Group, will have two seats on the Board with one alternative whereas the other three groups will have one seat and one alternative each. San Jose will continue to have five seats with one alternative and the County of Santa Clara will continue to have two seats with one alternate for a total of 12 members of the Board.

Sunnyvale, Santa Clara, and Milpitas need to decide by the end of October how they would be represented on the VTA Board by two representatives and one alternate. The Mayor will represent Sunnyvale's position in discussions with Council representatives from Santa Clara and Milpitas. Santa Clara and Milpitas have taken formal action to select Mayor Jamie Matthews and Vice Mayor Pete McHugh respectively to represent their cities. Further, the Santa Clara City Council has given direction to support a "simple rotation" formula that would have city grouping representation rotate after each individual term. The Milpitas City Council did not express a preference for a rotation formula, but they are strongly interested in gaining a seat on the Board for the next term, as they have not been represented on the Board since 2005 and they are dealing with BART extension issues in their City.

Reorganization of the VTA Board representation structure was the result of an audit of Board representation. The audit concluded that the Board structure resulted in members lacking in experience and continuity. When approving the new VTA Board representation order, the VTA Board of Directors indicated that they desired representation formulas that encouraged transportation policy experience and incumbency, and avoided strict formulaic rotations.

EXISTING POLICY

Land Use and Transportation Element R1.2 Support coordinated regional transportation system planning and improvements.

DISCUSSION

Council should consider the options and determine a preference for a VTA representation formula. Next steps would be for the Major to meet with representatives from Santa Clara and Milpitas to try and agree on a method to select representatives.

The following potential options are presented for Council consideration. This list is not intended to be all inclusive, and Council may elect to give other direction.

Option 1 – Simple Rotation

The three cities could select two representatives and an alternate for the first two year terms, and subsequent use a straight rotation of two year terms with the alternate becoming a Board member to replace one of the standing Board members at the end of each two year term. The three cities would need to decide the rotation schedule to provide an equal rotation scheme. This formula has the disadvantage of being a formulaic rotation, counter to the VTA Board direction.

Option 2 – Rotation with Population Weighting

A rotation scheme could be considered that factors in the relative population of each of the three cities. If the population of the three cities is aggregated, Sunnyvale has the largest population (42%,) followed by Santa Clara (36%) and then Milpitas (22%). Utilizing a seven term rotation (14 years), a population-based rotation works out fairly well mathematically. Sunnyvale would have six of seven terms, Santa Clara would have five of seven terms, and Milpitas would have three of seven terms. The issue of incumbency could be addressed by grouping city's terms consecutively, with Milpitas' three terms being grouped with two at the beginning of the 14 year cycle and one at the end, to create a string of three consecutive two year terms.

Option 3 – Term by Term Selection

Representatives from the three cities could meet prior to each two year term and decide which two cities should represent the group on the Board. This option can address issues facing the group at that time, such as term limits of council members, significant VTA issues anticipated to face any one City,

personal reasons, or any other such issues. A disadvantage of this alternative is uncertainty among all three cities about how frequently each city would have a VTA seat.

Option 4- Council Term Based

Representatives from the three cities would meet to select members, with preference given to Council members who will have the greatest tenure on their individual council. Incumbent members would stay on the VTA Board until they leave their council. When that happens, the city whose member is an Alternate appoints the new Board member, and the city whose member has left appoints an Alternate. This method has the advantage of encouraging longer VTA tenure but leads to uncertainty about the frequency of each city's representation and could be a disadvantage to cities with term limits.

FISCAL IMPACT

There is no fiscal impact from identifying direction for VTA Board representation.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. The Council can give direction to the Mayor on a preferred position to take in negotiations for VTA representation.
2. The Council can give no direction and let the Mayor determine a City negotiating position.

RECOMMENDATION

None.

Reviewed by:

Kent Steffens, Director, Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbbers
City Manager