

SOLID WASTE AND RECYCLING COLLECTION FRANCHISE PROCESS COMMUNICATION GUIDELINES

BACKGROUND

The Sunnyvale City Charter Section 1600 et seq., empowers the City Council to grant a franchise using either a competitive or non-competitive process, and authorizes the City Council to prescribe the terms and conditions on which a franchise will be granted.

PURPOSE

The City Council has an obligation to the public to ensure transparency and fairness in the process of awarding a new franchise. The following communications guidelines (“Guidelines”) are to be adhered to during a competitive process for the award of a franchise or, if the Council elects to use a non-competitive process, during the negotiation process (hereinafter collectively referred to as the “Process”). The intent of these Guidelines is to create an impartial climate during the Process, to describe the characteristics of appropriate communications between elected and appointed officials, City staff and City agents during the Process), and ensure that the terms of the agreement ultimately reached are favorable to the City and its ratepayers.

These Guidelines apply to City staff, City’s agents (e.g., consultants), the prospective franchisee(s), and all elected and appointed City officials.

CODE FOR COMMUNICATION

The prospective franchisee shall be required to sign a statement agreeing to the following:

- To direct all questions and communications regarding the Process to one designated City representative;
- To refrain from distributing door-to-door materials, or using newspaper, radio, television, internet or public space advertisements in regards to the Process;
- To refrain from meeting individually with the Mayor or any individual Councilmember during the Process.

The Mayor and Council members shall:

- Notify the City Manager of any potential conflicts of interest.
- Include another Councilmember and a member of City staff (to be designated by the City Manager) in any non-public meetings between the Proposer and Council members, and should listen to but not make commitments to proposers in such meetings.

The Process shall terminate when the staff report to City Council regarding the award of a franchise is publicly released.

ALLEGATIONS OF VIOLATIONS

Prior to the award of any franchise, any allegations of a violation of these Guidelines shall be reported to the:

1. City Manager, or his or her designee, regarding any City staff or City agent. The City Manager shall investigate the alleged violation in consultation with the City Attorney's Office regarding any staff member and shall document the resulting determination.
2. Mayor. The Mayor pursuant to the provisions of the Code of Ethics for Elected and Appointed Officials shall investigate any alleged violation in consultation with the City Attorney's Office regarding any elected or appointed official and shall document the resulting determination.

Nothing in these Guidelines is intended to prohibit anyone from communication with the City Manager, City Attorney or the Mayor or any other councilmember about any alleged violation of these Guidelines.

SANCTIONS

Any potential franchisee(s) who do not comply with these Guidelines will be disqualified and cannot be awarded a franchise.

Any staff person who does not comply with these Guidelines may be subject to discipline, up to and including termination.

Any agent of the City who does not comply with these Guidelines may be subject to the termination of their agreement with the City.

Any elected or appointed official who does not comply with these Guidelines may be sanctioned pursuant to the Code of Ethics for Elected and Appointed Officials.