



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0398, Version: 1

REPORT TO COUNCIL

SUBJECT

Appoint Applicant to the Personnel Board

DISCUSSION

The City Charter provides for the appointment of a five-member Personnel Board to act in an advisory capacity to the City Council and the City Manager on personnel administration, to hear and make findings on personnel disciplinary appeals, conduct public hearings and make recommendations to Council relating to civil service rules and regulations, and to fulfill other duties relating to personnel administration.

An unscheduled vacancy exists on the Personnel Board as of April 1, 2019. City Charter Section 1007 provides that three of the members shall be appointed by the City Council directly and two shall be appointed by the City Council from a list of five persons nominated by election of the employees in the Classified Service. This vacancy is in this Council-nominated category and may be appointed directly.

On April 9, 2019, Council conducted interviews. At that time, one applicant withdrew from consideration for appointment to this board. The remaining applicant is as follows:

PERSONNEL BOARD - Council-nominated seat (1 vacancy: term expires 6/30/2021)

Victor Marsh (only preference)

Per Council Policy 7.2.19, *Boards and Commissions* appointments of board and commission members are placed on the City Council meeting agenda. The appointment process is conducted by one of the following two methods, at the discretion of the Mayor:

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. 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.

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 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.

Should no candidate receive at least four affirmative votes, the vacancy will remain.

If a member is appointed at this time, the term will become effective immediately.

Following the appointment, the staff liaison for the Personnel Board will provide a board-specific orientation. The new member will be required to take the Oath of Office, sign the Model of Excellence and attend the Board and Commission Orientation hosted by the Office of the City Clerk. A ceremonial oath will be offered.

EXISTING POLICY

On April 21, 2015, Council adopted revisions to Council Policy 7.2.19 *Boards and Commissions* regarding the appointment of board and commission members to allow for individual candidate votes or paper votes, at the discretion of the Mayor.

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. Appoint a member of the Personnel Board for the Council-nominated position for a term effective immediately and expiring June 30, 2021.
2. Do not make an appointment and provide other direction to staff on how to proceed.

STAFF RECOMMENDATION

Staff makes no recommendation.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager