



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### 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.*