



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Appoint a Councilmember to the Valley Transportation Authority (VTA) Board of Directors Representing the City as part of the North East Cities Grouping

#### **BACKGROUND**

On March 29, 2016, the Council considered RTC 16-0313, *Discussion and Possible Council Action Relating to Sunnyvale's Rotational Schedule on the Santa Clara Valley Transportation Authority Board of Directors* (Attachment 1). After action on that Report, Councilmember Whittum submitted his resignation as the City appointee to the VTA Board of Directors and associated committees (Attachment 2). In response, Council directed staff to return with this Report to appoint a Councilmember to the VTA Board of Directors Representing the City as part of the North East Cities Grouping.

#### **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**

##### **Appoint a Councilmember to the VTA Board of Directors to Represent the City as part of the North East Cities Grouping**

As a result of the vacancy created by Councilmember Whittum's resignation, the Council has an opportunity to appoint a replacement to represent the City's interests and influence policies and regulations of the VTA. This appointment would finish Councilmember Whittum's term, serving as a Director for the 2016- 2017, and ending in December 2017 or upon the appointment of a replacement.

The VTA Administrative Code (ATTACHMENT 3), Chapter 2, BOARD OF DIRECTORS, outlines the VTA rules and procedures with respect to its Board of Directors. Section 2-14, "Selection of Directors and alternates by city/county groupings" provides the following procedures for the selection of Directors and alternates to the Board:

...this Code shall be determined by the cities of each respective grouping. Appointing authorities are strongly encouraged, where possible, to: (1) appoint individuals with appropriate experience and qualifications in transportation; (2) ensure that there is

sufficient remaining time in the elected official's term of office to allow full completion of their term as a Director; and (3) reappoint representatives to consecutive terms.

### **Confirmation of the City's Process to Negotiate the Rotational Schedule for the North East Cities Grouping**

The Council discussion on March 29 surrounding changes to the rotational schedule called into question whether a VTA process exists that would override the City's process. Staff contacted the VTA Office of the Board Secretary regarding its practice for appointing or affirming board members.

Secretary Elaine Baltao provided an excerpt from the VTA Administrative Code (Attachment 3) which specifies that, "procedures for the selection of Directors and alternates to the Board for groups 2, 3, 4 and 5 as described in this Code shall be determined *by the cities* of each respective grouping." Secretary Baltao also confirmed that the VTA does not control or have influence on rotation as that is the decision of the city grouping.

The VTA Administrative Code is consistent with the VTA Authorizing Legislation (Excerpts, Attachment 3) which states, "Five city council members selected from among the city councils of all of the cities in the county, other than the City of San Jose, as provided by agreements among those cities. The agreements may provide for the appointment of alternates, who shall be city council members, for those city representatives." The legislation 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 City's position remains 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.

The current rotational schedule was outlined in a letter to the VTA Chairperson, dated February 6, 2012, and signed by the three mayors (see Attachment 1, page 7):

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.)

The Council took action on March 29, 2016 to affirm its support of the existing schedule, noted above.

### **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. Appoint a Councilmember to the Valley Transportation Authority (VTA) Board of Directors Representing the City as part of the North East Cities Grouping.

2. Other direction as determined by Council.

### **STAFF RECOMMENDATION**

Alternative 1: Appoint a Councilmember to the Valley Transportation Authority (VTA) Board of Directors Representing the City as part of the North East Cities Grouping.

Staff urges Council to make an appointment to fill this vacancy; however, makes no recommendation on whom to appoint.

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 16-0313, *Discussion and Possible Council Action Relating to Sunnyvale's Rotational Schedule on the Santa Clara Valley Transportation Authority Board of Directors*
2. Letter from Councilmember Whittum to the Council, dated March 27, 2016
3. VTA Administrative Code, Excerpt
4. VTA Authorizing Legislation Excerpts