



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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Study Session Summary of October 25, 2016 - Joint Meeting of City Council with Board and Commission Chairs and Vice Chairs to Review and Improve Overall Effectiveness of Commission Meetings

Call to Order:

Vice Mayor Larsson called the meeting to order at 5 p.m.

City Councilmembers Present:

Mayor Glenn Hendricks
Vice Mayor Gustav Larsson
Councilmember Jim Griffith
Councilmember Pat Meyering
Councilmember Tara Martin-Milius
Councilmember Jim Davis
Councilmember Larry Klein

City Councilmembers Absent:

None.

Board and Commission Chairs and Vice Chairs Present:

Kevin Jackson, Chair, Bicycle and Pedestrian Advisory Commission
Dave Jones, Vice Chair, Bicycle and Pedestrian Advisory Commission
Carey Lai, Chair, Board of Library Trustees
Daniel Bremond, Vice Chair, Board of Library Trustees
Mike Michitaka, Chair, Heritage Preservation Commission, Member, Board of Building Code Appeals
Patti Evans, Chair, Housing and Human Services Commission
Minjung Kwok, Vice Chair, Housing and Human Services Commission
Ralph Kenton, Vice Chair, Parks and Recreation Commission
Traci Oberman, Chair, Personnel Board
Sue Harrison, Chair, Planning Commission
Bruce Paton, Chair, Sustainability Commission

Other Board and Commission Members Present:

John Cordes, Bicycle and Pedestrian Advisory Commission
Russ Melton, Planning Commission

Study Session Summary:

Vice Mayor Larsson provided opening remarks and stated that issues that surface may be referred to the Council Subcommittee on Board and Commission Bylaws for consideration. Assistant City Manager Kent Steffens provided additional information.

Topics and points of discussion included:

1. Governance, including roles of Chairs and Vice Chairs and ex-Parte Communications with members of the public:

- Commissioner: Boards and commissions are supposed to serve as liaisons for public communication according to the Council policy; currently members of the public who write to the boards and commissions may or may not get an answer and the commissioners may or may not see the communications, or are told not to respond to it, which defeats the whole purpose. Boards and commissions don't get involved in operational issues, but need to be aware of them.
- Commissioner: The burden of proof on placing limitations on freedom of speech should be on the entity imposing the restrictions.
- Commissioner: When the public submits bicycle-related issues to the general work page, BPAC doesn't hear about it; BPAC doesn't know if they are communicating with the City that way; BPAC only hears about it if submitted to the BPAC answer point; commissioners would like to get any communications relating to bicycle and pedestrian issues.
- Councilmember: The idea of telling a volunteer who they can or cannot talk to has no legal or logical basis, and should be addressed directly and quickly; it undermines the motivation and energy level of commissioners and board members, and results in problems recruiting new members.

Mayor Hendricks stated these concerns would be referred to the Council Subcommittee.

Additional comments included:

- Commissioner: In 2007, a city attorney concluded that in some instances it is legitimate to restrict speech by board and commission members, but that none of the examples showed any prior restraint; they were disciplinary after someone did something against the rules. Section J of the current policy clearly covers what is allowed. There was a concern of potential liability if a commissioner provides advice which could result in someone getting hurt.
- Councilmember: Staff may have concerns about a commissioner representing the City and not knowing what is being said or committed to. The oversight committee could consider a City-provided email account for commissioners who want to respond and could be monitored by staff.

2. Work Plan Development

- Commissioner: The Sustainability Commission wanted to be able to bring new ideas to the commission and the Council was concerned that the commission would unintentionally be doing an end run around the study issue process; this was resolved by adding to the agenda a section for Commissioner Reports. The role of the commission is to be gathering emerging ideas, rather than waiting to respond to policy issues that land in the City's lap. There should be a category that would allow for ways of bringing new ideas, without circumventing the study issue process.
- Mayor: Clarification should be given as to what the expectation is when these ideas are provided to the staff and Council.
- Councilmember: Council wants boards and commissions exploring new ideas and seeing what is possible, but when that happens, there are two concerns that happen on the Council level: 1 - When these discussions are held in a board or commission meeting, it is a public hearing, however, the public doesn't differentiate between the board and commission exploring it, and

the City pursuing it as a policy issue. There is a level of concern that the boards and commissions are going in a direction than the City Council wants to go. 2- Use of staff time and dedication of staff resources is a Council decision, not a board or commission decision; it needs to be done with the permission of Council. The study issue process is a prioritization method for weighing issues and provides for a conscious decision of where to devote City resources. The work plan review provides another level to ensure that Council understands the boards and commissions' requests for issues for consideration.

- Vice Mayor: Councilmembers understand the tremendous workload staff is under and are very sensitive to adding or prioritizing additional issues for staff to work on.
- Commissioner: Part of the role of boards and commissions is to be the eyes and ears in the community, and to wait on the Council and staff defeats their role. Commissions should be ahead of the Council on various Sustainability issues; there should be a process where the commission can sort through the good and bad ideas; there should be a safe label to allow the commission to look at emerging issues and doesn't imply or propose a Council policy action. Commissions are sensitive to the demands on staff time; the Sustainability Commission is often proposing to bring in new ideas to consider whether they are something the City should pursue.
- Mayor: On the question of timing and leadership, boards and commissions shouldn't get discouraged when a pilot idea isn't pursued.
- Commissioner: Regarding the work plan process, the commission would like to ask for a formal way to build research and development sessions into the planning processes that don't imply that hearings are being held about policies that Council is about to adopt.

Mayor Hendricks recommended this issue be referred to the Council Subcommittee for consideration.

Additional comments included:

- Councilmember: Some of the more forward-looking groups need be able to look at emerging issues.
- Commissioner: Development opportunities in the work plan process should roll every six months or every quarter, looking forward twelve months. Commissions need a process for proposing things they want to put on the work plan for the next year, possibly in October or November.
- Commissioner: It would be helpful to have commissioner-level networking, to allow commissioners to interact or interface on some overlapping issues such as items heard by Planning Commission that are subsequently heard by the Heritage Preservation Commission.
- Commissioner: If the commission can't place proposed items on the Work Plan, how should the commission send the proposed items to Council to be put on the Work Plan?
- Commissioner: With regard to the policy which calls for the chair to coordinate the setting of the agendas, the chair would like to see an outline of the agenda eight days before the meeting; the chair stated he is being told that he can only add Information Only items and Commissioner-led Presentations to the agenda; there needs to be a coordination process and time to correct missing items before the agenda is published. The chair recommends that discussion items should be on the General Business section if it doesn't involve significant staff effort.
- Councilmember: The Subcommittee should look at the timeline of the feedback of the chair with the staff liaison before publication of the agenda, and clarify what the expectation is from the chair. It is important that potential items for the agenda would be cleared with the chair

- prior to two or three days before publication of the agenda.
- Councilmember: When a Councilmember makes decisions on who will serve well on commissions, one criterion used for selecting applicants is on the basis of their ability to come up with independent ideas on the commission. It is not appropriate that the agenda is the standard for the commission.
- Board member: The Library Board feels like it is just a rubber stamp and members don't have a lot of involvement in giving a recommendation or any improvement to the Library. It would be good to have a chance to meet with the Librarian about the agenda. Additional Chair and Vice Chair training needs to be given on the whole process. There should be funding for the Chair and other Trustees to attend additional training and conferences; funding to attend a Library conference is only available by requesting funding from the Friends of the Library.
- Councilmember: Training should be given to all commissions and chairs. The Subcommittee should review the policy regarding agenda-setting.
- Commissioner: It would be helpful to know what commissioners should and shouldn't expect of Council Liaisons.
- Commissioner: The commission feels like it functions in a silo; it would help if there could be more opportunities to share ideas or have more interaction when there are overlapping issues on multiple commissions.

3. Study Issue Process

- Vice Mayor: The staff report includes consideration of questions such as: should the number of study issues be less per commission to help prioritize, and who authors the study issue paper?
- Commissioner: There is no defined way of originating study issues. Previously BPAC followed the Council process, which was any member could originate a study issue, until that was changed to require a second person to support it. There have been a lot of misunderstandings of what the commission was proposing. Staff was supposed to bring the write-up back to the commission within 30 days or the next meeting but that didn't happen; the commission was told they had to vote on it as a commission to initiate a study issue, and that's not written anywhere. It caused a problem because the commission didn't see what was proposed the previous month and they couldn't propose it this month because it was before it was put in as a standing item, so the commission had to request it to be on the agenda for next month, and then they saw it the month after that. The whole idea is to review these in a timely manner and make sure they capture what the commission intended. Now, commissioners are expected to write the study issue description, but when the commission gets the paper back it has been edited by staff. The major source of confusion has been the staff recommendation; if staff recommends against the study issue and the commission sees that it is for reasons that are not valid, the commission doesn't get to see that until October when it's already signed by the City Manager and it's too late to make any changes. The idea that study issue papers should be presented to the commission within 30 days is great, but sections are blank, and when there are confusions and miscommunications, it is too late to do anything about it.
- Commissioner: The commission submits study issue papers as they've worded them, and then staff looks at them and often they come back having been materially changed so that it is no longer what the commission proposed. A broader issue is that the commission has made the choice to strategically limit the number of study issues; several commissioners were prepared to resign because the amount of effort that went into the study issue process yielded nothing. Although there have been some big successes, a very tiny percentage of the proposed study

issues have gone forward. It seems like this is not a very good way for commissions to be able to get new ideas on the agenda; it has led to morale issues within the commission. It would be important to bring some clarity about what's expected and what's a good idea and what's not.

- Commissioner: Several different commissions have had the same experience that study issues are sometimes put forward and the wording comes back different than what was intended. It would be helpful when it comes back in 30 days, to be able to discuss with staff whether it is written as was intended, before it is too late to change it.
- Councilmember: One of the struggles observed as a Liaison is whether to generate a whole bunch of study issues to see if anything will be selected, or to limit the number proposed.
- Councilmember: As a former commissioner, from a study issues standpoint, if a study issue goes forward and is ranked by Council and funded, the hardest thing is not seeing all the parts that were captured in the study issue evaluated by staff. Part of the problem from a ranking standpoint is that when the time comes for the commission to rank them, and when there has conceivably been a turnover mid-year and staff recommendations have been written at that point, from a process standpoint should include a re-review of the wording of the upcoming study at the commission level or to include any new information that has come to light. The process should be put into policy so that it is the same for all boards and commissions.
- Commissioner: There is a lot of frustration with the annual cycle which takes years to put an idea into action. One suggestion is that instead of having an annual cycle, take half as many projects every six months. Another recommendation is that the last thing on the agenda should be review of study issues and potential new ones.
- Commissioner: City Council study session presentations are posted before the meeting, but when commissions have study sessions, they are posted after the meeting. A correction was offered that the presentations for Council meetings are posted after the meetings.
- Commissioner: The remedy for proposing new study issues at any time on the agenda may not work. Study issues are required to have a motion and a vote to originate, the action probably couldn't be done during the comments section. The Study Issues section is on the agenda so that they can be proposed at that time.
- Commissioner: There is a standing item on the agenda for Consideration of Possible Study Issues.
- Commissioner: The question was, can the commission go back to it once the topic has passed? Clarification was offered that it is at the discretion of the chair to go back to the item.

4. Meetings, Role of Council Liaison, General Effectiveness:

- Mayor: Speaking from the Mayor's perspective, board and commission members should be aware of the language used to describe what you are talking about and understand that there may be people who don't appreciate the language you use, especially if it is something you don't like. Remember, people are listening to what you have to say, and you are speaking as a representative of the City of Sunnyvale. In a second point from the Mayor's perspective, as the board or commission engages in reviewing and making recommendations, sometimes members end up getting into a discussion that becomes a policy discussion about whether they agree or disagree with the City's policy. It is requested that when those things come up, have the discussion as it relates to the question on the table, within the context of the existing City policy, and give the recommendation in that context. Then after the vote, as a separate action, discuss whether the policy is correct or whether a recommendation should be made to have a study issue to look at it.
- Commissioner: One thing that always gets brought up is that boards and commissions are

created for the following general purposes: to recommend the City Council specific policy-related issues, and the policy/operational statement. What often gets lost is that there are several pages of very specific duties for boards and commissions which go beyond strictly policy matters. Since there is an overlap, it is important to keep flexibility; commissioners don't get involved in operational matters but need to be aware of them in order to formulate recommendations to the Council. Meeting times are not convenient to the public, and it would be important to be able to communicate electronically. There have been a lot of good ideas that have come up, and this is the first of these meetings. There is an Administrative Policy stating that the staff liaison shall distribute an annual satisfaction survey in accordance with procedures outlined by the office of the City Clerk. That hasn't happened but seems to be a good idea that would get the kind of feedback you're getting now without having to go through a formal study session process.

- Mayor: All boards and commissions are extremely valuable, and the time and effort that members put in is extremely valuable to the Council.
- Commissioner: In terms of effectiveness, if commissioners could see the study issues or study session presentations sooner, it would help; also, make it easier for anybody to call in to any meeting.
- Commissioner: There is a very good process every year to have the commissions look at the budget, but the commissioner doesn't feel skillful at being useful. The commission would like some additional guidance on that process, what would be useful to hear from commissions about the budget and what the commission can do to better understand the budget.
- Commissioner: Automatic notifications for the posting of all board and commission agendas.

Public Comment:

No additional public comment was received.

Adjournment:

Vice Mayor Larsson adjourned the meeting at 6:24 p.m.