



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0649, Version: 1

REPORT TO COUNCIL

SUBJECT

Approve amendments to Council Policy 7.2.19 *Boards and Commissions* as Recommended by the Council Subcommittee on Board and Commission Bylaws

BACKGROUND

Per Council Policy 7.2.19 *Boards and Commissions*, Council conducts regular joint meetings, at least annually, with Chairs and Vice Chairs with the intention to review and improve overall effectiveness of commission operations. In compliance with the policy, a joint study session was held on November 13, 2018. The City Council received comments and recommendations from the Chairs, Vice Chairs, Commissioners in attendance, as well as the public. Comments shared ranged from topics on communication, commission role and responsibilities, study issues, among others. The City Council directed that the Council Subcommittee on Board and Commission Bylaws, review the comments and recommendations, and evaluate the City's policies and practices to ensure their continued effectiveness. As the Subcommittee has concluded its review, it is presenting its policy amendment recommendations to the Council for consideration. Any recommendations that are operational in nature would be referred to the City Manager for his consideration on implementation.

EXISTING POLICY

Council Policy 7.2.19 Boards and Commissions

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 Sections 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

On December 11, 2018, the Council Subcommittee on Board and Commission Bylaws met to review the comments and recommendations made at the November 13, 2018 joint study session between Council and Board and Commission Chairs and Vice Chairs. Comprised of Vice Mayor Melton, and Councilmembers Hendricks and Larsson, the Subcommittee met four times to complete its review (see meeting minutes Attachment 1). While all concerns and recommendations were taken into consideration, the Subcommittee prioritized and developed consensus on topics to review in the following order:

1. Board and Commission Member Orientation and Onboarding
2. Study Issues
3. Agenda Management
4. Community Outreach and engagement

Comments were organized under each topic as either policy oriented, or as administrative process and operational in nature. Presented to Council tonight are recommendations to amend the policy, as well as the recommendations made to the City Manager for his consideration.

Board and Commission Member Orientation and Onboarding

During the joint study session and various follow up Subcommittee meetings, board and commission members expressed the need to improve new member onboarding and training on the specific duties of each board and commission, with particular interest in scope of responsibility, defining the role of the Council Liaison, past study issues, work plans, and key issues in the community.

The City's Administrative Policy 1.15 Boards and Commissions, mandates that new board and commission members attend an orientation hosted by the City Clerk. During the orientation, new board or commission members are provided a handbook and a presentation that covers: Council Policy 7.2.19, City Charter sections relevant to boards and commissions, Council's Code of Ethics, Brown Act, filing obligations, proper protocol for addressing questions or concerns resulting from service as a board or commission member, and the study issues process.

The City's Administrative Policy also states that staff liaisons are responsible for informing new board or commission members with information specific to their board or commission. This includes bylaws, meeting times, protocols, relationship to staff, key issues, areas of responsibility, budget, General Plan Elements/Sub-elements, current work plan, and ongoing responsibilities.

The following Subcommittee recommendations were made:

Administrative Process Recommendations to the City Manager

Having clear policies and practices in place, as described above, help ensure that new board or commission members understand their role and purpose. In addition to making improvements to the orientation provided by the City Clerk and board or commission staff liaison, the Council Subcommittee also recommended improvements to the application process.

1. Add language to the board and commission application that encourages applicants to attend one or more meetings to the board or commission they are applying.
2. Add language to the board and commission application indicating desired qualifications for each respective board or commission.

The application process is one way of creating awareness and encouraging early education on role and expectations for potential board and commission candidates. The City's website on boards and commissions is another area that could be improved to provide candidates and existing members with more information and background. The Council Subcommittee recommends:

1. Update the City's webpage on boards and commissions to reflect detailed description about each board and commission's duties, history of work performed (such as old work plans and study issues), and relevant policies.

Finally, in response to voiced concerns regarding disputes or disagreements with board or commission chairs or staff liaisons, the Council Subcommittee recommended that staff:

1. Remind board and commissioners during their onboarding training, that their respective Council Liaison and the Mayor, are a resource to help resolve disputes.

Council Policy Discussion on Role of Council Liaison

The Council Subcommittee voted to bring back for full Council discussion, defining and clarifying the role of the Council Liaison to Boards and Commissions. Board and commissioners' comments ranged from appreciating the presence of the Liaison at their meetings, to not fully understanding the Council Liaison's role. While the Subcommittee did not make a formal recommendation to amend the definition found in Council Policy 7.2.19, Q. *Council Liaisons to Boards and Commissions*, the following language was requested by the Council Subcommittee to be highlighted in this report:

During board or commission meetings, authority resides with the board or commission chair. Council liaisons shall refrain from:

- i. Interfering with the smooth operation of board or commission meetings*
- ii. Acting in a manner that undermines the chair's authority*
- iii. Participating in policy discussion except when providing information at the request of the chair*
- iv. Speaking on behalf of the full council without appropriate authority*
- v. Acting as spokesperson for the board or commission.*

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

The Council Subcommittee also requested that for this item, Council be provided with the language found in the City's Charter pertaining to Councilmanic interference. Attached for reference is Article VIII, Section 807. Prohibition Against Councilmanic Interference (Attachment 2).

Council Policy Discussion on Role and Scope of Boards and Commissions

The Council Subcommittee also discussed board and commission activities extending beyond the role and scope, as defined in the policy. The Council recognizes and values board and commissioner's passion and time dedication to Sunnyvale. However, when board or commissioners stray from their intended purpose, it creates tension and interrupts the processes and structure in place designed for effective governance.

Council Policy 7.2.19 *Boards and Commissions* defines their purpose as:

- (I) To recommend to City Council specific policy-related issues for possible Council study and action, and to provide a forum and opportunity for broad community participation in the identification and prioritization of those issues; and*
- (II) To advise City Council on specific policy issues Council has chosen to study, and to provide a forum and opportunity for broad community input on those issues.*
- (III) See also Section 2.1, Duties.*

The language outlined under Duties is specific to each commission's area of focus.

The Council Subcommittee has no policy amendment recommendations, and instead requested that this topic be brought back to the full Council for discussion.

Study Issues

Council policy states that the role of board and commissions in the study issues process is to assist Council with setting priorities for the coming calendar year. Board and commissioner's role is to advise Council regarding the identification of policy issues to study, and to advise Council on those issues Council has decided to study. Most board and commissions are very active in the sponsorship of study issues, but feel frustrated with the inconsistency and clarity of the process, and the limited amount of studies selected by Council each year.

Administrative Process Recommendations to the City Manager

1. The board and commission study issues process should be consistent across all board and commissions, and should be part of the new board and commission orientation.
2. To ensure that staff captures the intent of a study issue as expressed by a commission, the Subcommittee recommends that during board and commission vote for sponsorship, the motion include the key elements of the study. This practice should also be covered during the board and commission orientation.
3. Add information to the City's study issues webpage that describes some of the factors being considered by Council and the City Manager when selecting study issues. For example, alignment with the Council Strategic Priorities, consideration of City resources and staff capacity, impact on the community, etc.

In response to the concerns and recommendations from the Subcommittee, and board and commissioners, staff proactively made changes to the process (Attachment 3). The new board and commission study issue sponsorship process:

- Resolves potential Brown Act violations due to preliminary conversations in discussing potential study issues not on the agenda;
- Ensures a consistent process for all board and commissioners;
- Improves communication issues between commissioners and staff liaisons;
- Provides a thoughtful review of all potential study issues prior to sponsorship; and
- Supports a transparent process with clear timelines.

Agenda Management

Board and commission members expressed confusion about the process of placing items on the agenda, and expressed a need to have consistency, clarity and education on the process. The Subcommittee discussed the language under Council Policy 7.2.19 Section 2.G.II.e *Chair's Role and Responsibilities*, which states:

Coordinates the setting of the agenda with the staff liaison. Should the chair and the staff liaison disagree regarding the agenda, the city manager shall have final authority subject to appeal to the City Council.

The Council Subcommittee felt that staff should set the agenda, and exercise judgement of how the item relates to the board and commission work plan, as approved by Council. The concern lies with the impact on staff time when placing agenda items not reflected in the Council approved work plan, as well as placing items that extend beyond their role and scope. The Subcommittee also cautioned against board and commissioners' request to add operational items not solicited by the director or Council.

Subcommittee Recommendation to Amend Council Policy 7.2.19

1. Amend Policy 7.2.19 Section 2.G.II.e *Chair's Role and Responsibilities* as following:
~~Coordinates the setting of the agenda with the staff liaison.~~ *Ensures that items on the agenda are in alignment with the Council approved work plan.* Should the chair and the staff liaison disagree regarding the agenda, the city manager shall have final authority subject to appeal to the City Council.

Community Outreach and Engagement

The City has a strong tradition of community participation, one of which is through service on a board or commission. Each board and commission functions as a communication link between the community and the City, providing a channel for citizen expression. However, the policy outlines and defines the board and commission meeting itself, as well as City sponsored meetings and events, as the avenue to public engagement.

Board and commissioners requested that the Subcommittee consider allowing other forms of public engagement, to inspire public participation and education of programs and initiatives. Other requests included having special networking opportunities with other commissions, assigning commissioners business cards, and allowing commissioners to respond directly to public inquiries received through email and Access Sunnyvale.

Administrative Process Recommendations to the City Manager

1. Assign board and commissioners City informational cards that can be used to direct residents to the appropriate City Department when approached with questions.
2. Ensure that staff liaisons are following the City's administrative process regarding public communication addressed to the board or commission, for written, email, and Access Sunnyvale. As written, staff liaisons should blind copy all board and commission members when responding to electronic communication. Written communication should be attached to the agenda packet.

Council Policy Discussion on Board and Commission Outreach and Engagement

The Council Subcommittee was unanimous that board and commissions should not be the drivers of community outreach, but should share their existing knowledge of public perceptions and needs when discussing policy issues. The Subcommittee requested that this topic be brought back for full Council discussion. No substantive amendments were recommended, other than the request that Section 7.2.19,J *Interaction with City Council, Public, Staff, and other Board and Commission Members*, be organized in a manner that is easier to read (Attachment 4).

Planning Commission Meeting Start Time

Finally, while not discussed in time for the Council Subcommittee to formally hear the request, the Planning Commission would like to recommend that the Council amend their meeting start time from 8:00PM to 7:00PM. The requested time is in alignment with the rest of the board and commission start times. Attached (are the minutes from the Planning Commission's June 24 meeting Attachment 5), the motion to amend the start time was voted on and passed unanimously 7-0 in favor of the new time.

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. Approve the Council Subcommittee's recommended changes to Council Policy 7.2.19 *Boards and Commissions* (Attachment 4), and incorporate any amendments resulting from Council discussion on 1. Role of a Council Liaison, 2. Role and Scope of Board and Commissions, and 3. Board and Commission Outreach and Engagement.
2. Approve the Council Subcommittee's recommended changes to Council Policy 7.2.19 *Boards and Commissions* (Attachment 4) with modifications, and incorporate any amendments resulting from Council discussion on 1. Role of a Council Liaison, 2. Role and Scope of Board and Commissions, and 3. Board and Commission Outreach and Engagement.
3. Other direction as provided by Council.

STAFF RECOMMENDATION

Staff makes no recommendation. This report was prepared to facilitate a discussion and direction to staff by Council, as well as to report the findings of the Council Subcommittee on Board and Commission Bylaws.

Prepared by: Lupita Alamos, Senior Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Council Subcommittee Meeting Minutes
2. Article VIII, Section 807. *Prohibition Against Councilmanic Interference*
3. Board and Commission Study Issue Sponsorship Process
4. Amended Council Policy 7.2.19 *Board and Commissions*
5. Planning Commission Meeting Minutes, June 24, 2019