

REPORT TO COUNCIL

SUBJECT

Approve Amendments to Council Policy 7.2.19 (*Boards and Commissions*) as Requested by the City Council

BACKGROUND

On August 27, 2019, the Council reviewed recommendations by the Council Subcommittee on Board and Commission Bylaws to amend Council Policy 7.2.12. The Subcommittee's recommendations stemmed from multiple meetings with Board and Commission Chairs and Vice Chairs to evaluate the City's policies and practices to ensure board and commissions' continued effectiveness. Administrative process improvements were shared with the City Manager for his consideration on implementation. Topics of discussion and recommendation focused on 1. Board and Commission Member Orientation and Onboarding, 2. Study Issues, 3. Agenda Management, 4. Community Outreach and Engagement. The Council also made recommendations and provided direction to Councilmember Hendricks, Chair of the Subcommittee, to come back to Council with additional amendments to Council Policy 7.2.12 suggested at the Council meeting.

EXISTING POLICY

Council Policy 7.2.19 Boards and Commissions

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within 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

At the conclusion of the August 27, 2019 Council meeting, the Council adopted the suggested changes to Council Policy 7.2.19 *Boards and Commissions* relating to:

- Planning Commission meeting start time
- Chair's Role and Responsibilities
- Council Liaison to Boards and Commissions
- Board and Commission Role Outside of Meeting

In addition to approving the Subcommittee recommended amendments, the Council also requested Councilmember Hendricks proposed additional amendments to the policy and bring back for Council adoption on the following:

Ex-Officio

- Section B.III.c *Planning Commission*

Councilmembers Smith requested clarification regarding the Planning Commission's ex-officio member role, specifically its origin and whether this position has voting rights. The Office of the City Attorney is currently researching this request and will come back to Council with a separate report to address origin and voting rights.

Chair's Role and Responsibilities

- Section G.II.f *Chair's Role and Responsibilities* (Attachment 1, page 9)

The Council discussed and voted to update the policy to be in line with current practice. As written, the Council policy requires the Chair of a board or commission to attend Council meetings to present the boards or commission's position when only action minutes from the boards or commission meeting are available to Council. This is not a current practice and the Council voted to have it updated. The suggested amendment is as follows:

- (f) Board and commission chairs or a designated alternate may always attend Council meetings to present the board or commission's position to Council. ~~However, they must attend Council meetings to present the board or commission's position to Council on any non-consent calendar item previously addressed by the board or commission when only action minutes from the board or commission meeting are available to Council.~~ The chair or designated alternate shall report back to their board or commission on Council's discussion and ultimate decision.

Community Outreach and Engagement

- Section J.II.a *Interaction with City Council, Public, Staff and other Board and Commission Members* (Attachment 1, page 18); Role in Public Communication.

Councilmember Larsson explained that this section as written, could be interpreted by board and commission members to mean that commissioners may take a more active and proactive role in engaging the community including responding to email communication or through the City's records management system. Council's policy intent is that board and commissioners as a body serves as a communication link, and that their meeting serves as a forum for public comment. To avoid misinterpretation, and to provide more clarity of Council's intent the following language was suggested:

- (a) In addition to their role as advisors to the Council, boards and commissions, as a body, serve as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events. Each board and commission functions as a communication link ~~between the community and the City~~, explaining City programs and recommendations, advocating established City policy and services, as well as providing a ~~channel for citizen expression~~ forum for public comment.

Harassment

- Section M.b *Sanctions; Harassment* (Attachment 1, page 21)

Councilmember Smith noted that the Council Policy did not address a clear escalation path in situations where commissioners or members of the public experience Harassment. The City's Administrative Policy on Workplace Harassment did not address concerns with board and commission members or the public. The following section was added to the Council Policy:

The City of Sunnyvale is committed to providing an environment for employees, elected or appointed officials, board and commission members, members of the public, or contractors that promotes dignity and respect and is free from discrimination and harassment. The City maintains a strict policy prohibiting all forms of harassment and discrimination based upon protected classifications as defined below. "Protected Classification" includes race, religion (including religious dress or grooming practice), religious creed, color, sex (includes gender, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding), sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity, national origin, ancestry, citizenship status, military and veteran status, marital status, family relationship, age, medical condition, genetic characteristics and/or genetic information, and physical or mental disability.

Any employee, applicant, elected/appointed official (e.g., board or commission member), contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved. Because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Sunnyvale encourages early reporting of concerns or complaints. Prompt reporting will better enable the City to respond, investigate if necessary, provide an appropriate remedy, and impose discipline if appropriate.

For information or to file a complaint, contact any of the following:

- The City's Human Resources Director, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3001;
- The City's Employee Relations Manager, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3029;
- The City Manager, City Attorney, Assistant City Manager, Deputy City Manager, Department Directors, or other managers.

Role of Council Liaison

- Section Q. Council Liaisons to Boards and Commissions (Attachment 1, page 23)

Councilmember Hendricks requested that the following language be added to this section to clarify the role of a Council Liaison:

The City Council shall appoint one councilmember to serve as a council liaison to each board and commission, except for the Planning Commission, the Personnel Board, and the Board of Building Code Appeals. Appointments shall change every six months, with the roster

established annually as part of the City Council intergovernmental relations appointment process. The method of assignment shall be automatic rotation using seat numbering and alphabetic ordering of commissions. Council liaisons are encouraged to attend, monitor, advise, and witness attendance at board and commission meetings. Attendance at board or commission meetings by the council liaison is encouraged but not mandatory. Council liaisons may informally arrange for a council alternate when scheduling conflicts arise.

Bylaw Revision

- Section R. *Bylaw Revisions* (Attachment 1, page 24)

The Council voted to delete section R from the Council Policy, boards and commissions should not have their own bylaws outside of Council Policy 7.2.19. This section is now stricken from the Policy:

~~Boards and commissions may craft additional bylaw provisions specific to themselves as long as they do not conflict with Sections A through P above. Any additional bylaw provisions must be approved by the City Council.~~

The City Council also voted to make non-substantive editing amendments to the Policy as suggested by Councilmember Smith. These suggestions can be found redlined on pages 1, 13, 14, and 16 in Attachment 1, as well as the recommended amendments approved by Council at the August 27 Council meeting.

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.

RECOMMENDATION

Approve the Council Subcommittee's recommended amendments as presented in Attachment 1 to the report, that reflect the Council direction provided at the August 27, 2019 meeting.

Prepared by: Lupita Alamos, Senior Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Proposed Amended Council Policy 7.2.19 (*Boards and Commissions*)