

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Appoint Applicants to the Arts Commission, Board of Building Code Appeals and Heritage Preservation Commission

BACKGROUND

The City has ten Council-appointed boards and commissions to recommend and advise City Council on 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. The term length for boards and commissions is four years, with staggered terms expiring June 30 of each year. Council makes appointments annually in May or June to fill seats with expiring terms to serve with an effective date of July 1. In addition, the Council fills vacancies as necessary quarterly throughout the year.

On August 2, 2022, the Council Subcommittee on Boards and Commissions recommended that the City Council disband the Board of Building Code Appeals with the City Council taking on the role of hearing appeals of the Building Code. The City does not typically receive a sufficient number of applicants to fill vacancies on the Board of Building Code Appeals and the applicants who do apply do not always possess the requisite experience, training and knowledge in the applicable building codes, regulations and ordinances to be appointed to the Board pursuant to the California regulations pertaining to building standards and found in the California Building Code, also referred to as Title 24 of the California Code of Regulations (See Attachment 1). City Council will consider this recommendation at an upcoming meeting (RTC No. 22-0718).

DISCUSSION

Appointments

Pursuant to Council Policy 7.2.19 (Boards and Commissions), appointments of board and commission members are placed on the City Council meeting agenda. When one or more Councilmembers participate via teleconference, the appointment process is conducted by Individual Candidate Votes: The Mayor will announce by board or commission each vacancy including its term, and then will read each applicant's name. Council will vote on each applicant. The candidate receiving the most affirmative votes and at least four affirmative votes, will be appointed. The process is repeated for each board or commission.

For each board or commission with both full 4-year term vacancies and shorter vacancies that exist due to a resignation, the Mayor will ask Council for a motion to identify which applicant from among those with the most affirmative votes and at least four affirmative votes will be appointed. Council will identify which of the candidates who received the sufficient affirmative votes will be selected to serve

the shorter term(s). The Council decision will be made by motion.

Resolving ties: Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, and the affected applicants each have received at least four affirmative votes, the Mayor would ask the City Attorney to draw the name of the person to be appointed.

Should no candidate receive at least four affirmative votes, the vacancy will remain.

Below is the list of current applicants, the applicants' preferences as indicated on their application (when the applicant has applied for more than one board or commission), and terms of appointments. Applicant information is available as attachments to the August 16 Council meeting packet and upon request from the Office of the City Clerk at cityclerk@sunnyvale.ca.gov or 408-730-7483:

Arts Commission (one term to 6/30/2026)

Divya Gundurao (only preference)

Edna Aphek (1st preference)

Molly Kauffman (only preference)

Richard Walrod (only preference)

Board of Building Code Appeals (one term to 6/30/2023 and one term to 6/30/2026)

Parthiv Rawal (only preference)

Heritage Preservation Commission (two terms to 6/30/2026)

Edna Aphek (2nd preference)

Sue-Ellen Johnson (only preference)

Terms will be effective August 31, 2022. Following appointments, the staff liaison for each board or commission will provide a board/commission-specific orientation and each new member is required to take the Oath of Office, sign the Model of Excellence and attend the board and commission orientation hosted by the Office of the City Clerk. A ceremonial oath will be offered to all incoming members. Continuing vacancies will be scheduled for the recruitment process in October 2022.

EXISTING POLICY

Council Policy 7.2.19 (Boards and Commissions)

Administrative Policy, Chapter 1, General Management, Article 15 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.

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 Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

ALTERNATIVES

1. Appoint commissioners from the applicants listed in this report.
2. Postpone the appointment to the Board of Building Code Appeals until the City Council considers the Council Subcommittee on Boards and Commission's recommendation to disband the Board of Building Code Appeals and appoint qualified applicants to the remaining boards and commissions as determined by the Council.
3. Provide other direction to staff on how to proceed.

STAFF RECOMMENDATION

Alternative 2: Postpone the appointment to the Board of Building Code Appeals until the City Council considers the Council Subcommittee on Boards and Commission's recommendation to disband the Board of Building Code Appeals and appoint qualified applicants to the remaining boards and commissions as determined by the Council. Staff makes no recommendation regarding appointments to the boards and commissions.

Prepared by: David Carnahan, City Clerk

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Section 1.8.8.1 of the California Building Code (Appeals Board)