



Council Meeting: April 1, 2008

SUBJECT: Appointment of Sunnyvale Representative to the Advisory Council to the Council on Aging (ACCOA)

REPORT IN BRIEF

Earlier this year the Santa Clara County Council on Aging contacted the City to request a City appointment to the Advisory Council to the Council on Aging (ACCOA).

Members of the Advisory Council participate in the development, implementation and monitoring of the Area Plan and contract services. They advocate at all levels of government on programs, procedures, and legislation affecting older persons.

Previously, this appointment has been made via the City's Board and Commission recruitment process. However, since this is not a board or commission appointment, staff is recommending Council adopt new procedures consistent with similar external intergovernmental appointments. The specific recommendations are:

- Confirm Advisory Council to the Council on Aging appointment as a Council intergovernmental relations assignment appointed by the Mayor.
- As vacancies occur, and as needed, direct staff to recommend individuals for consideration.

BACKGROUND

The Council on Aging (COA) is the local Area Agency on Aging - a federally mandated organization for providing services to seniors in Santa Clara County (see Attachment A, *Information Sheet: Council on Aging Silicon Valley*). The Advisory Council to the Council on Aging is a group of representatives from different County supervisor districts, cities, and organizations who help guide the Council on Aging in their decision-making processes. In November 2007 the Mayor received a letter from the Council on Aging Contracts Manager, Mike Torres, requesting a representative from the City of Sunnyvale to serve on the Council on Aging's Advisory Council.

Members of the Advisory Council participate in the development, implementation and monitoring of the Area Plan and contract services. They advocate at all levels of government on programs, procedures, and legislation affecting older persons. They are a source of information to senior

Appointment of Sunnyvale Representative to the
Advisory Council to the Council on Aging

April 1, 2008

Page 2 of 6

organizations and the public on issues of concern to older persons, develop legislative platforms with other State advocacy organizations, and sponsor public hearings. They are advisory to the Council on Aging, bringing concerns of the group or area they represent to the Advisory Council, the COA's policy setting body, and taking information regarding COA programs and activities back to their appointing agency.

Appointees must meet certain qualifications which are set by the Council on Aging, and noted in the Advisory Council Member Job Description (Attachment B), such as:

- Appointment - Advisory Council members are appointed by designated bodies such as the County Supervisors, City Councils and senior organizations or are elected by the Advisory Council.
- Age - Appointees of County Supervisors and City Councils shall be 60 years of age or older.
- Geographical Area - Appointees shall live within the city limits of the appointing city or within the Supervisor District.
- Interest - Appointees should have an interest in aging issues and willingness to work to find solutions to alleviate the problems of Older Americans.

The City of Sunnyvale last appointed a member to the Advisory Council to the Council on Aging on June 12, 2001, when Council appointed community members Nancy McDonough (RTC 01-195) as part of the spring 2001 recruitment for citizens interested in serving on City Boards and Commissions. The appointment term was from June of 2001 through June of 2005. On June 15, 2004, Council re-appointed Nancy McDonough with a term expiring June of 2007 (RTC 04-228). Since June of 2007 the City has not had a representative on the Advisory Council.

EXISTING POLICY

Legislative Sub Element, Goal 7.3C Participate in intergovernmental activities, including national, state and regional groups, as a means to represent the City's interest, influence policy and legislation, and enhance awareness.

Legislative Sub Element, Policy 7.3.C.1 Represent City policy in intergovernmental activities in accordance with adopted policy guidelines.

Council Policy 7.3.12 City Council Appointments to Intergovernmental

Appointment of Sunnyvale Representative to the
Advisory Council to the Council on Aging

April 1, 2008

Page 3 of 6

Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces

DISCUSSION

At this time, Council is asked to consider and confirm a selection and appointment process that should be used to fill the current and future vacancies.

In 2001 and 2004 the selection and appointment for this assignment was done as part of the Boards and Commissions recruitment process. However, according to Council Policy 7.2.19, *Boards and Commissions*, Boards and Commissions are bodies created by the City Council for the general purpose of advising Council on the City's policy-related issues. The Advisory Council to the Council on Aging assignment does not advise City Council, and is not subject to or governed by, this policy.

Type of Appointment

Council Policy 7.3.13 broadly defines intergovernmental bodies to include committees of intergovernmental agencies or organizations. While the Sunnyvale representative will not serve on the COA, the intergovernmental agency, s/he will represent Sunnyvale on a COA committee. The OCCA is an advisory committee to the government entity (the COA). (Note that this structure is similar to the VTA Board's Bicycle and Pedestrian Advisory Committee.)

Policy 7.3.12 *City Council Appointments to Intergovernmental Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces* notes that Council may, on occasion, appoint a non-Councilmember to represent the City's interest on an intergovernmental body. While none of the ACCOA's current members are councilmembers (one member is a former councilmember), both non-councilmembers and councilmembers are eligible for appointment. A current roster is attached (Attachment C).

Process for Appointment Selection

Per the ACCOA Bylaws (Attachment D, *By-laws of the Advisory Council to the Council on Aging Silicon Valley*), the Advisory Council is composed of a maximum of forty-three members, including a representative from "each city council with a recognized senior citizen advisory body." The Bylaws further state that such Councils shall, with the advice of the recognized senior citizen advisory body, appoint one person who is sixty years or over to sit on the ACCOA.

Appointment of Sunnyvale Representative to the
Advisory Council to the Council on Aging

April 1, 2008

Page 4 of 6

However, the Sunnyvale City Council does not have a recognized senior citizen advisory body; Sunnyvale's Senior Center Advisory Committee is advisory to staff and not to Council. Council's options, therefore, are as follows:

1) Mayoral appointment -- ACCOA staff has noted that its practice is to request an appointment from the mayor for those cities that do not have recognized senior citizen advisory bodies. This option is at the mayor's discretion and does not require council action.

2) Council appointment -- this option would require action at a council meeting and majority vote by council.

- For either option, as vacancies occur the Mayor or Council could direct staff as needed to recommend individuals for consideration.

Additionally, the Mayor or Council may consider requesting that a Parks and Recreation Commissioner volunteer to serve as the Sunnyvale representative, if the Commissioner meets the ACCOA membership requirements.

Staff will implement Council direction from tonight's meeting to address the current vacancy.

FISCAL IMPACT

There is no fiscal impact associated with this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES

1. Confirm Advisory Council to the Council on Aging appointment as a Council intergovernmental relations assignment appointed by the Mayor.
2. Confirm Advisory Council to the Council on Aging appointment as a Council intergovernmental relations assignment appointed by Council.
3. As vacancies occur, and as needed, direct staff to recommend individuals for consideration.
4. Other direction as given by Council.
5. Take no action at this time.

Appointment of Sunnyvale Representative to the
Advisory Council to the Council on Aging

April 1, 2008

Page 5 of 6

RECOMMENDATION

Staff recommends:

Alternative 1: Confirm Advisory Council to the Council on Aging appointment as a Council Intergovernmental Relations assignment Appointed by the Mayor, *and*

Alternative 3: As vacancies occur, and as needed, direct staff to recommend individuals for consideration.

Together, these two options provide Council with an effective and efficient means of appointing a City representative to the Advisory Council to the Council on Aging. Since this appointment is advisory in nature and its membership representation to the City has traditionally been a community member, it provides Council with maximum flexibility and efficiency in identifying and appointing a qualified representative. This approach is consistent with IGR Council policies, and appropriately includes the ACCOA appointment in Council IGR Committee Assignments.

Reviewed by:

Robert Walker, Assistant City Manager, Office of the City Manager
Prepared by: Yvette Agredano, Intergovernmental Relations Officer

Reviewed by:

David A. Lewis
Director of Parks and Recreation

Approved by:

Amy Chan
City Manager

Attachments

Attachment A *Information Sheet: Council on Aging Silicon Valley*
Attachment B *Advisory Council Member Job Description*

Appointment of Sunnyvale Representative to the
Advisory Council to the Council on Aging

April 1, 2008

Page 6 of 6

Attachment C *Silicon Valley Council on Aging Advisory Council, Member
Roster*

Attachment D *By-laws of the Advisory Council to the Council on Aging
Silicon Valley*

INFORMATION SHEET: COUNCIL ON AGING SILICON VALLEY

The Council On Aging Silicon Valley, is a non-profit organization designated by the State of California as the Area Agency on Aging for Santa Clara County.

Area Agencies on Aging are the result of the 1973 Amendments to the 1965 Older Americans Act. The role of the Area Agency is to develop and provide programs and coordinate and advocate for service systems designed to meet the needs of older persons in a specific geographic area. The geographic area served by the Council On Aging is Santa Clara County with a population of approximately 220,200 older persons, age 60 or over. The Council On Aging is one of 33 Area Agencies in California and 675 nationwide administering programs under the Older Americans Act. The Council On Aging receives Older American Act funds which provide for grants to provide services to the older population in Santa Clara County. These services are provided directly and through contracts with local agencies.

STRUCTURE

The Council On Aging is governed by a ten member voluntary Board of Directors which meets monthly and sets overall agency priorities, goals and objectives for developing and improving services to older county residents.

In addition, the Council On Aging has a thirty-six member Advisory Council representing cities, the county and various senior organizations and interest groups. The Advisory Council to the Council On Aging also meets monthly, is responsible for conducting the annual planning process and deals with a number of broad based advocacy issues of concern to senior citizens.

Both the Council On Aging Board and Advisory Council meetings are open to the general public and interested and concerned individuals are encouraged to attend.

THE ADVISORY COUNCIL

Members of the Advisory Council participate in the development, implementation and monitoring of the area plan and contract services. They advocate at all levels of government on programs, procedures, and legislation effecting older persons. They are a source of information to senior organizations and the public on issues of concern to older persons, develop legislative platforms with other State advocacy organizations, and sponsor public hearings. They bring the concern of the group or area they represent to the Advisory Council, and take information regarding COA programs and activities back to their appointing body.

The Advisory Council meets on the 1st Monday of every month (with 2 exceptions) at the United Way building on 1922 The Alameda, San Jose CA. Note this meeting place may change due to the pending sale of that building. There are a total of 10 Advisory meetings per year. In addition, each member is required to join one of 4 standing committees and participate in their activities. Advisory meetings run from 12:30-3:00. Additionally, the appointee will work about 2-4 hours with their committee each month, so the time commitment is about 4-6 hours monthly. Regarding travel, attending meetings is the primary travel required, with some possible travel within Santa Clara County.

TARGETING

In its planning, the Council on Aging must give priority to those in most social and economic need. Social need is defined as a person having two or more of the following characteristics; living alone, age 75 or over, disabled, or having a language barrier. Economic need is defined as living at the SSI level or below.

ADVISORY COUNCIL MEMBER
Job Description

I. Duties and Responsibilities:

A member of the Advisory Council has the following duties:

- A. Serve as an advisor to the Council On Aging, the State designated Area Agency on Aging;
- B. Act as an independent advocate for older persons, taking positions on federal, state and local programs and legislation effecting older persons;
- C. Actively seek advice from senior coordinating councils, senior advocacy organizations, elected officials, and the general public for the purpose of advocating issues of concern to older persons;
- D. Inform local senior advocates and organizations of legislation pending before local, state and federal governments;
- E. Disseminate information of interest and concern to older persons;
- F. Be actively involved in the development, implementation and monitoring of the Area Plan and contract services;
- G. Develop legislative platforms with representatives from the California Senior Legislature, and other state advocacy organizations;
- H. Sponsor public hearing on the annual Area Plan objectives.

II. Qualifications:

Appointments - Advisory Council members are appointed by designated bodies such as the County Supervisors, City Councils and senior organizations or are elected by the Advisory Council.

Age - Appointees of County Supervisors and City Councils shall be 60 years of age or older.

Geographical Area_- Appointees shall live within the city limits of the appointing city or within the Supervisor District.

Interest - Appointees should have an interest in aging issues and willingness to work to find solutions to alleviate the problems of Older Americans.

III. Meetings and Time Commitment:

The Advisory Council meets the first Monday of each month at 1:00 P.M at the United Way Silicon Valley located at 1922 The Alameda in San Jose. Members spend time each month preparing for and attending the regular meetings, making contact with seniors and local officials, and in attendance at appropriate community meetings. Members are expected to work on at least one committee which will meet monthly. From time to time, there are training sessions and other special meetings in which members participate. It is expected that the members will represent the interests of the older population in their district and keep their special groups informed regarding the programs and activities of the Advisory Council and COA.

IV. Attendance:

Advisory Council Members are expected to attend all Advisory Council meetings. Advisory Council By-Laws require that a member with unexcused absences from any two consecutive meetings, or seven during a year, is deemed to have resigned from the Council.

V. Benefits:

Members may be reimbursed for some expenses incurred on Advisory Council business, such as mileage and pre-approved trainings and conferences.

Silicon Valley Council on Aging Advisory Council
Member Roster

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ATTACHMENT C

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**BY-LAWS
OF THE
ADVISORY COUNCIL
TO THE
COUNCIL ON AGING
SILICON VALLEY**

Initial Approval 09-13-81

1 st Amendment	12-08-81
2 nd Amendment	08-02-82
3 rd Amendment	11-01-82
4 th Amendment	08-01-85
5 th Amendment	09-09-86
6 th Amendment	11-02-87
7 th Amendment	08-28-95
8 th Amendment	06-05-00
9 th Amendment	05-10-01

**BY-LAWS OF THE ADVISORY COUNCIL
TO THE
COUNCIL ON AGING SILICON VALLEY**

ARTICLE I – NAME AND AUTHORIZATION

- Section 1 The name of this body shall be the Advisory Council to the Council on Aging Silicon Valley.
- Section 2 The Older Americans Act of 1965 as amended and the Older Californians Act established that the Area Agencies on Aging shall call upon citizens to advise on issues affecting older persons.

ARTICLE II – DEFINITIONS

- Section 1 The following terms shall have the meaning set forth:
- a. Area Agency on Aging (AAA): means an identifiable private non-profit or public agency designated by the California Department of Aging which works for the interest of older citizens within a planning and service area.
 - b. Council on Aging of Santa Clara County, Inc. (COA): is the area agency on aging designated by the California Department of Aging.
 - c. Planning and Service Area (PSA): means an area designated by the California Department of Aging as directed by the Older Americans Act of 1965, as amended. Santa Clara County is designated as Planning and Service Area Ten.

ARTICLE III – PURPOSES

- Section 1 The purposes of this Advisory Council shall be to serve as the advisory body to the Council on Aging Board of Directors and to serve as a principal independent advocate body on behalf of older persons within the planning and service area.

ARTICLE IV – FUNCTIONS

- Section 1 The duties and powers of the Advisory Council shall be to:
- a. Serve as an advisor to the Council on Aging Board of Directors.
 - b. Act as an independent advocate for older persons, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons.

- c. Inform local senior advocates and organizations on specific legislation pending before local, state and federal governments and provide information of interest and concern to older persons.
- d. Be actively involved in the development, implementation and monitoring of the area plan.
- e. Hold an annual meeting of senior advocates and organizations to prepare priorities for the ensuing year. Elect delegates every four years to the California Senior Legislature to introduce and advocate for legislation effecting seniors.
- f. Hold public hearings on the Area Plan with no less than 30 days notification to the general public and the agency constituency regarding dates, time and location. Such notification shall contain understandable descriptions of the Council on Aging Area Plan in order to promote informed input.
- g. Take leadership in developing a coordinated aging advocacy network within Santa Clara County and work cooperatively with other networks at the local, state and federal levels.

ARTICLE V – COMPOSTION

Section 1 The Advisory Council shall be composed of a maximum of forty-three members as follows:

- a. Each member of the Santa Clara County Board of Supervisors shall appoint one person who is sixty years or over.
- b. Each city council with a recognized senior citizen advisory body shall with the advice of such body, appoint one person who is sixty years or over.
- c. Three agencies, which have an interest in the elderly citizens of Santa Clara shall each appoint one person. One of these persons shall be from the Nutrition Program, one from the Health Department and one from the Santa Clara County Cities Association.
- d. In addition to all members designated in parts ‘a’ through ‘c’, there shall be six members as follows:
 - i) One member who represents the interests of the disabled community;
 - ii) Three members from the Hispanic community;
 - iii) Three members from the Pacific/Asian community;
 - iv) Two members from the Black community;
 - v) One member from the Native American community.

- e. Six members at large shall be elected.
- f. Six members, each of whom represents one of the following senior organizations:
 - i) Retired Public Employees' Association
 - ii) Federation of Retired Union Members
 - iii) AARP
 - iv) Older Women's League
 - v) Congress of California Seniors.
 - vi) California Senior Legislature

ARTICLE VI – TERMS/VACANCIES

- Section 1 The term of individual membership on the Advisory Council shall be for three years, with a maximum of one renewal. One year is defined as beginning July 1 and ending June 30.
- Section 2 In the event of a vacancy, the Advisory Council shall request the appointing body to appoint a replacement to serve the unexpired term of the replaced member.
- Section 2.1 Persons filling a vacancy shall be considered to have served a full term if the remaining time served is for more than one-half of the vacated member's term.
- Section 3 An Advisory Council member who fails to attend two consecutive regular meetings of the Advisory Council, or who fails to attend seven regular meetings per year without having given an excuse acceptable to the Steering Committee, shall cause the Advisory Council to notify the appointing body, that the position will become vacant.
- Section 4 At the end of two consecutive terms, one year must elapse before an individual can be appointed or re-elected to the Advisory Council unless appointed by another entity.
- Section 5 If the individual term of the immediate past-Chairperson ends with the elected office, he/she may remain on the Council as an ex-officio non-voting member for one year as immediate past Chairperson.
- Section 6 Current vacancies on the Advisory Council shall be posted in the monthly minutes.

ARTICLE VII – MEETINGS

- Section 1 The Advisory Council shall meet at least ten times a year.

ATTACHMENT D

- Section 1.1 All Advisory Council meetings shall be public. Notice of regular meetings shall be disseminated through the Council on Aging's regular communication channels.
- Section 1.2 No regular meeting shall be cancelled without forty-eight hours notice to the membership.
- Section 2 Special meetings of the Advisory Council may be called at any time by the Chairperson or by not less than one-third of the current Advisory Council membership. The purpose of the meeting and a written notice must be given, postmarked five days prior to the special meeting. Only matters included in the letter may be considered at the special meeting.
- Section 3 Emergency meetings of the Advisory Council may be called at any time by the Chairperson or by not less than one-third the current Advisory Council membership. The purpose of the meeting must be stated. Forty-eight hours notice must be given. Only matters included in the notice may be considered at the emergency meeting.
- Section 4 A quorum of the Advisory Council is a majority of the current membership. No business can be transacted unless a quorum is present. All decisions by the Advisory Council shall be by a simple majority of the quorum except for the removal of an officer. The removal of an officer requires two-thirds vote of the membership present and voting.

ARTICLE VIII – OFFICERS

- Section 1 The officers of the Advisory Council shall be a Chairperson, Vice-Chairperson and Secretary.
- Section 2 Election of officers shall be held annually at the June meeting of the Advisory Council. Officers shall begin their term of office at the next regular meeting.
- Section 3 The officers shall be elected for a term of one year.
- Section 4 A vacancy in any office shall be filled by the Advisory Council for the unexpired portion of the term.
- Section 5 No member shall serve more than two consecutive terms in the same office, except that filling a vacant unexpired term as an officer shall not constitute a term.
- Section 6 The officers shall have the following duties:
- a. The Chairperson shall:
 1. Preside at the Advisory Council meetings;
 2. Sign all communications from the Advisory Council;
 3. Preside at the Steering Committee meetings;

4. Represent the Advisory Council before the Council on Aging through channels established by the Executive Committee of the COA and before other public and private bodies; and
 5. Other duties as enumerated in other sections of these By-Laws.
- b. The Vice-Chairperson shall:
1. Act in the place of the Chairperson in the person's absence or, if so designated, by the Chairperson.
- c. The Secretary shall:
1. Be responsible for ensuring that the minutes of Advisory Council meetings are taken, reviewed and distributed;
 2. Keep an attendance record at all meetings of the Advisory Council.

ARTICLE IX – STEERING COMMITTEE

- Section 1 The Steering Committee shall consist of the Chairperson, Vice-Chairperson, Secretary, immediate past-Chairperson, and Chairpersons of standing committees.
- Section 2 Members of the Steering Committee shall hold office for one year, unless re-elected to the office or appointed by the Chair.
- Section 3 The Steering Committee shall have the regular powers and duties of the Advisory Council between meetings, except that it shall not reverse or modify any action of the Advisory Council.
- Section 4 Any action taken by the Steering Committee shall be reported to the Advisory Council at its next regular meeting.
- Section 5 The Steering Committee shall set the agenda for Advisory Council meetings.

ARTICLE X -- COMMITTEES

- Section 1 The Advisory Council shall develop a standing committee structure as may be required for the conduct of the affairs of the Advisory Council. The duties and responsibilities shall be defined by the Advisory Council. Committees shall be designated by the Chairperson with the concurrence of the Advisory Council. Except for the Steering Committee, the Council Chairperson shall appoint Advisory Council members to serve on each committee and name the committee Chairperson(s). Persons who are not members of the Advisory Council may serve as advisors to a committee on the recommendation of the committee chairperson and concurrence by the Advisory Council Chairperson.

- Section 2 The Chairperson shall be a non-voting Ex-Officio member of all committees, except the Nominating Committee.
- Section 3 Annually, the Chairperson shall appoint a three person Nominating Committee and they shall mail to each Advisory Council member the Committee's nominees for officers ten days prior to the meeting in June. Additional nominations for any officer may be made from the floor.
- Section 4 The Chairperson may, from time to time, authorize and establish temporary Task Forces and Ad Hoc Committees as may be required.

ARTICLE XI – RULES OF ORDER

- Section 1 The rules contained in Robert's Rules of Order shall govern meetings of the Advisory Council in all cases in which they are applicable, and in which they are not inconsistent with these By-Laws.
- Section 2 The Advisory Council may adopt additional Standing Rules provided they do not conflict with these By-Laws.

ARTICLE XII – CONFLICT OF INTEREST

- Section 1 An Advisory Council member is in a conflict of interest when the Advisory Council or one of its committees is making a decision or conducting other activities directly relevant to a decision affecting a program in which the member may have an interest in Santa Clara County. Such activities may include, but are not limited to, grant applications, program evaluations, area plan consideration and approval and program money allocation.
- Section 2 An Advisory Council member is in conflict of interest when he/she has one or more of the following relationships existing with the program under consideration:
 - a. Ownership
 - b. Director, trustee or officer
 - c. Provider of professional services
 - d. Parent, spouse, sibling or child of 'a', 'b' or 'c' above
 - e. Employee
 - f. Any person with a relationship described in 'a' through 'e' above to a competing program in the area.
- Section 3 Where there is a question as to the existence of a conflict of interest, the Steering Committee shall determine whether or not a conflict does in fact exist and shall rule accordingly. If a person is deemed to have a conflict of interest, the member shall refrain from advocating for or against and from voting on the program under consideration.

ARTICLE XIII – AMENDMENTS

- Section 1 These By-Laws may be amended by a majority vote of a quorum of the current Advisory Council membership at any regular meeting provided that the proposed amendments have been submitted to the Advisory Council members, in writing, post-marked at least 10 days prior to the previous meeting at which they have been discussed.
- Section 2 Amendments approved by the Advisory Council shall be consistent with the Older Americans Act and the Older Californians Act and shall not alter the relationship between the Advisory Council and the Council on Aging, except as authorized by amendments to the above legislation. Amendments shall not be inconsistent with the purposes and By-Laws of the Council on Aging.