



Council Meeting: December 15, 2009

SUBJECT: Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A. - I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions

BACKGROUND

In February 2009, staff commenced a project to prepare and/or revise bylaws for all City boards and commissions (RTC 09-032). Many City boards and commissions do not have bylaws, and the bylaws that do exist are outdated.

Status of Bylaws (per RTC 09-032, February 3, 2009):

Arts Commission – Resolution calling for bylaws, but no bylaws exist

Bicycle and Pedestrian Advisory Commission – Resolution, bylaws approved July 19, 1994

Board of Building Code Appeals – No bylaws

Board of Library Trustees – Bylaws approved October 1985; amended July 1991

Heritage Preservation Commission – No bylaws

Housing and Human Services Commission – Resolution, unapproved bylaws

Parks and Recreation Commission – Resolution, no bylaws

Personnel Board – No bylaws

Planning Commission – Unapproved rules and procedures

Attachment A to this report reflects proposed changes to Council Policy 7.2.19 *Boards and Commissions* including the Policy Statement, Sections 1 and 2.A. - I. The proposed changes will incorporate standard bylaws for all boards and commissions, establish consistent general duties and clarify specific duties for all boards and commissions. Approval of the attached resolution will repeal any existing bylaws and existing board/commission resolutions, and approve the inclusion of Citywide standard bylaws in Council Policy 7.2.19.

All boards and commissions reviewed this report at board and commission meetings held in November and December 2009. Minutes of their meetings are included as Attachment D.

EXISTING POLICY

City policies relating to boards and commissions include City Charter Article X, the Sunnyvale Municipal Code, the General Plan Community Engagement Sub-element, the General Plan Legislative Management Sub-element, Administrative Policy 1.15 *Boards and Commissions* and Council Policy 7.2.19 *Boards and Commissions*.

DISCUSSION

Proposed Bylaws

Staff utilized “The Standard Code of Parliamentary Procedure, 4th Edition” (Sturgis) as a reference for the creation of bylaws. Council Policy 7.2.19 contains many standard provisions of bylaws such as terms of office, meeting times, membership requirements, etc.

General duties identified in current bylaws or resolutions – such as budget review and participation in the study issues process – are covered in Section 2.I.I. under the provisions for general duties, and apply to all boards and commissions.

Specific duties of each board and commission were incorporated into Section 2.I.II. of the policy using existing approved or working bylaws, resolutions, rules and procedures, as well as additional duties suggested by staff. Designated specific duties reflect policy-related matters under the purview of a specific board/commission. For example, a specific duty of the Arts Commission is to make policy recommendations regarding the purchase of art for public buildings and for art in private development.

With few exceptions, the duties identified in existing bylaws and resolutions were included in the revisions to Council Policy 7.2.19.

Reduction of Number of Members on Board of Building Code Appeals and Housing and Human Services Commission

At the May 12, 2009 Council meeting, Vice Mayor Moylan requested that an item be added to an upcoming Council agenda to discuss the possible reduction in the size of the Board of Building Code Appeals and the HHSC. Staff informed Council that the size of each board and commission issue would be included as part of the bylaws review project.

Board of Building Code Appeals

The Board of Building Code Appeals has final decision-making authority in all appeals related to construction, including interpretation of building codes. Qualifying members must have experience and training on matters pertaining to building construction and codes, engineering, and handicap accessibility regulations. With the adoption of Sunnyvale Municipal Code Section 19.39 on March 24, 2009, an additional responsibility was given to this board. Effective January 2010, the board will consider and make determinations on appeals of green building requirements made by the director of community development. The five-member Board of Building Code Appeals meets on an as-needed basis, and has not met to hear an appeal since April 17, 2002. Some members may not meet at all during their term. There are currently three members on this board, with two seats vacant. Council has expressed a desire to consider reducing the number of members on this commission from five to three.

Housing and Human Services Commission

The HHSC acts in an advisory capacity to Council on programs, policies and other issues regarding housing and human services. The HHSC is a nine-member commission formed by Council resolution in 1985. At that time, it was referred to as a “committee” and consisted of 15 members. In May 2007, Council approved an attrition plan to reduce the number of members from 15 to nine.

The last time the HHSC had nine members was in November 2008. By April 2009, four members had resigned. On June 30, 2009, the terms for the remaining five members expired. On June 9, 2009, three applicants were appointed, on September 1, 2009, one applicant was appointed, and on December 1, 2009 two applicants were appointed. There are currently six members on this commission, with three seats vacant.

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, 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 Web site.

This report was placed on the agenda at board and commission meetings scheduled in November and December 2009. Pertinent sections of the minutes from board and commission meetings have been included as Attachment D.

Numerous changes have been incorporated into the proposed bylaws policy based on recommendations from the boards and commissions, including minor grammatical and formatting corrections and the following substantive revisions:

- Per a recommendation of the Personnel Board, section 2.A.(VIII) (page 2) has been modified to provide that meetings are held “only as necessary on the third Monday of each month.”
- Per a recommendation of the Bicycle and Pedestrian Advisory Commission, subsection (vi) has been added to 2.I.(II) (b) (page 10) with regard to specific duties of the commission: “Review and make recommendations on the applicable sections of the General Plan.”

ALTERNATIVES

1. Approve revisions to Council Policy 7.2.19 as included in Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt Resolution XXX-09.
2. Approve revisions to Council Policy 7.2.19 *with changes* to Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt Resolution XXX-09.
3. Reduce the number of members of the Board of Building Code Appeals to three.
4. Reduce the number of members of the Housing and Human Services Commission to five.
5. Reduce the number of members of the Board of Building Code Appeals. (Number to be specified by Council.)
6. Reduce the number of members of the Housing and Human Services Commission. (Number to be specified by Council.)
7. Other direction as determined by City Council.

RECOMMENDATION

Staff recommends Alternative Nos. 1, 3 and 4:

1. Approve revisions to Council Policy 7.2.19 as included in Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt Resolution No. XXX-09.
3. Reduce the number of members of the Board of Building Code Appeals to three.
4. Reduce the number of members of the Housing and Human Services Commission to five.

The proposed changes would incorporate standard bylaws for all boards and commissions to clarify consistent general duties and specific duties for all boards and commissions.

The proposed changes would reduce the number of members on the Board of Building Code Appeals to three. This board has historically met very rarely and requires unique experience and training on matters pertaining to building construction. Reducing the number of members would provide a greater potential for a highly-skilled and qualified membership to assemble on the rare occasion the board needs to meet.

By reducing the number of Housing and Human Services Commission members to five, the number of members would be more consistent with the size of other boards and commissions, and there would be a greater potential to keep the commission at full membership.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Proposed changes to Council Policy 7.2.19 *Boards and Commissions*
- B. Resolution XXX-09 Repealing any Existing Bylaws, Functions and Responsibilities of the Nine Council-Appointed Boards and Commissions of the City of Sunnyvale and Approving Amended and Restated Bylaws
- C. Existing Resolutions and Bylaws
- D. Excerpts of Minutes of Board and Commission Meetings

Attachment A

COUNCIL POLICY MANUAL

Policy 7.2.19 Boards and Commissions

POLICY PURPOSE:

The purpose of this policy is to outline those Council policies pertaining to the City's Boards and Commissions Program.

1. POLICY STATEMENT:

This policy pertains only to Council-appointed boards and commissions. Many of its provisions are rooted in the City Charter, and where any conflict exists between this policy and the City Charter, the City Charter shall prevail.

A. Boards and commissions are created by the City Council for the following general purposes:

- (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 72.I. – Duties.

B. Boards and commissions shall not involve themselves in administrative/operational matters or the implementation of Council policy, except as requested by the city manager or his/her designated staff. (See also Section 2.I., Duties.)

2. Boards and Commissions Structure BOARD AND COMMISSION BYLAWS

A. The City maintains nine Council-appointed boards and commissions:

- (I)** Arts Commission: a 5 member body formed by Council Resolution 262-82, September 14, 1982. This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the arts and the development and promotion of arts programs and activities. Meetings are held on the third Wednesday of each month at 7 p.m. in the Council Chambers at City Hall.
- (II)** Bicycle and Pedestrian Advisory Commission: a 7 member body formed by Council Resolution 173-92, August 4, 1992. This seven-member commission acts in an advisory capacity to the City Council on bicycle and pedestrian issues. Meetings are held on the third Thursday of each month at 6:30 p.m. in the West Conference Room at City Hall.
- (III)** Board of Building Code Appeals: a 5 member body formed by Municipal Code Ordinance 1315. This three-member board has final decision-making authority in all appeals related to building construction, including interpretation of building codes. Meetings are held only as necessary, on the third Wednesday of the month at 6 p.m. in the West Conference Room at City Hall.

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- (IV) Board of Library Trustees: ~~a 5 member body~~ formed by City Charter Section 1013. ~~This five-member board acts in an advisory capacity to the City Council on library related issues. Meetings are held on the first Monday of each month at 7 p.m. in the Library Program Room. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month in the Library Program Room.~~
- (V) Heritage Preservation Commission: ~~a 7 member body~~ formed by City Charter Section 1015. ~~This seven-member commission acts in an advisory capacity to the City Council and has certain decision-making authority on the restoration, maintenance and operation of heritage resources throughout the City. Meetings are held on the first Wednesday of every other month beginning in January (and on the first Wednesday of alternate months when needed) at 7 p.m. in the West Conference Room at City Hall.~~
- (VI) Housing and Human Services Commission: ~~a 9 member body formed by Council resolution 134-85, March 19, 1985.~~This five-member commission acts in an advisory capacity to the City Council on programs, policies, and other issues regarding housing and human services. Meetings are held on the fourth Wednesday of each month at 7 p.m. in the West Conference Room at City Hall.
- (VII) Parks and Recreation Commission: ~~a 5 member body~~ formed by City Charter Section 1011. ~~This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Meetings are held on the second Wednesday of each month at 7 p.m. in the Council Chambers at City Hall.~~
- (VIII) Personnel Board: ~~a 5 member body~~ formed by City Charter Section 1007. ~~This five-member board acts in an advisory capacity to the City Council and city manager in matters pertaining to personnel administration. Meetings are held only as necessary, on the third Monday of each month at 5 p.m. in the Council Chambers at City Hall.~~
- (IX) Planning Commission: ~~a 7 member body~~ formed by City Charter Section 1009. ~~This seven-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Meetings are held on the second and fourth Monday of each month at 8 p.m. in the Council Chambers at City Hall.~~

B. Eligibility and Membership

No board or commission members shall hold any paid office or employment in the City Government. All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment (exception: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. D. I (b) (ii)). If at any time during their term any member of a board or commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board or commission and said position shall be declared vacant by the City Council.

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A-(I) **Spouses, Household Members, and Relatives**

No individual shall be eligible to serve on a City board or commission, chartered or otherwise, who has a spouse, household member living under the same roof, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), currently serving as a member of the City Council, or employed as the city manager, assistant city manager, assistant to the city manager, city attorney, department director or assistant director or equivalent for the City of Sunnyvale.

B-(II) **Concurrent Service**

No member of any board or commission listed herein, chartered or otherwise, may serve on more than one board or commission at the same time.

C-(III) **Specific membership requirements for charter-related Boards and Commissions are as follows:**

(A) Personnel Board:

To be eligible for appointment, each appointee shall neither ~~be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan club or organization~~ hold public office or employment nor be a candidate for any other public office or position, nor be a former City employee. (Source: City Charter Section 1007)

No individual shall be eligible to or continue to serve on the Personnel Board who has a spouse, household member, or designated relative (parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse), employed by the City of Sunnyvale *in a position which has the right to have a disciplinary matter heard before the Personnel Board.*

(B) Planning Commission:

To be eligible for appointment, each appointee shall not hold any paid office or employment in the City government, *except that the city manager or his/her designated representative, shall serve as an ex-officio member of the Commission.* (Source: City Charter Section 1009)

D-(IV) **Specific membership requirements for non-charter-specified Boards and Commissions are as follows:**

(a) ~~(1)~~—Arts Commission:

The members of this commission shall have a demonstrated interest in the arts (such as visual, performing, literary) and in the art programs of the City. Strong consideration shall be given to applicants with a background in the arts. (Source: Resolution No. 193-84).

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(H)(b) Housing and Human Services Commission:

The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues. *(Source: Resolution No. 134-85).*

(H)(c) Board of Building Code Appeals:

To be eligible for appointment, each appointee shall be qualified by experience and training to pass upon matters pertaining to building construction. *(Source: Municipal Code, Chapter 16.08)*

E.(V) Limitation on Terms

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term, to serve on a different board or commission (for the purposes of this policy, the resignation or removal of a member from a board or commission does not constitute the expiration of their term—i.e., a board or commission member is not eligible to serve on a different board or commission until the unexpired term from which he/she has resigned or was removed, has expired).

All board and commission members are eligible to serve two successive four-year terms on the same board or commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

2.C. Recruitment

Through the Office of the City Manager, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

D. 3. Appointment

Appointments of board and commission members shall be agendized at a City Council meeting.

The appointment process will be conducted as follows:

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. Should no candidate receive at least four affirmative votes, the vacancy will remain. 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. The process is repeated for each board or commission.

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If vacancies still exist after the appointment process is conducted, staff shall inform Council of alternative courses of action.

(I) A. Exceptions:

(a) Personnel Board:

Two of the five members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (*Source: City Charter Section 1007*)

(b) Bicycle and Pedestrian Advisory Commission

The members of the commission shall be selected from two categories:

i. (a)—Category One (four members) shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the commission.

ii. (b)—Category Two (three members) shall include members of the PTA or other parent groups, administrations of schools in Sunnyvale, commute coordinators for major employers within the City, members of neighborhood associations, principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City. (*Source: Resolution No. 173-92.*)

(c) Board of Building Code Appeals

i. In the event an appeal to be heard by the Board of Building Code Appeals is filed and the board lacks a quorum, the Director of Community Development shall select a temporary board member(s) to hear such an appeal. Any temporarily appointed board member(s) shall hear no more than three appeals within 12 months and shall meet all eligibility requirements as described in this policy.

4.E. Oath of Office

Each board and commission member, before entering upon the discharge of the duties of his/her office, shall sign the City's Code of Ethics document and take, subscribe to, and file with the city clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability.” (~~Amended effective December 31, 1975~~) (*Source: City Charter Section 910*)

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After taking the Oath of Office and signing the Code of Ethics in the Office of the City Clerk, each board and commission member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled Council meeting.

5.F. Required Training/Conferences and Disclosure Obligations

- (I) Mandatory training shall be provided to all board and commission members by the City through the Office of the City Manager, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or city manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or “how to run a meeting” for board and commission chairs).
- (II) Conferences are conducted periodically by outside groups to assist members of boards and commissions in meeting their respective responsibilities more effectively. The City’s interests are often served by participation in the educational and training programs offered at the conferences. Each member of City boards and commissions may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted.
- (III) Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

California Government Code Section 87200 (the Political Reform Act) specifically applies to:

- Members of the Planning Commission

The City’s Conflict of Interest Code requires appointees of designated boards and commissions to file Statements of Economic Interests. The City’s Conflict of Interest Code designates members of the following boards and commissions to file Statements of Economic Interests:

- Members of the Board of Building Code Appeals
- Members of the Heritage Preservation Commission

G. Officers

(I) Selection of Chair and Vice Chair

Unless otherwise dictated by City Charter, each board and commission shall, within the month of July each year, elect one of its members as presiding officer, to serve following mandatory chair training. The selection of chair and vice chair shall be the last item on the agenda at the scheduled meeting. All boards and commissions shall select their chair and vice chair in accordance with practices and procedures outlined by the Office of the City Clerk.

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(II) **Chair's Role and Responsibilities**

- (a) Attends training in how to be an effective chair prior to assuming the role.
- (b) Presides at meetings of the board or commission, and follows Brown Act requirements for conducting meetings.
- (c) Serves as a liaison to Council at City Council meetings.
- (d) Coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
- (e) 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.
- (f) Board and commission chairs are encouraged to attend Council meetings (or to appoint an alternate on either a case by case or long-term basis) for the purpose of representing the official position (including both the majority and the minority opinions) of the board or commission. The chair shall report back to their board or commission on Council's discussion and ultimate decision.
- (g) Counsels and administers verbal reprimands and written warnings to board and commission members who do not comply with City policy.

(III) **Vice Chair's Role and Responsibilities**

- (a) Attends training in how to be an effective vice chair prior to assuming the role.
- (b) Serves as the presiding officer in the absence of the chair.

6.H. **Meetings, Attendance and Quorums** (see also Council Policy 7.3.8 Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings)

(I) A. **Meetings**

Each board and commission shall hold regular meetings and special meetings as it may require. All meetings shall be open to the public and meet Brown Act requirements (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under Parliamentary Procedure. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

B-(II) **Attendance**

Each member of a City board or commission is expected to attend all regularly scheduled meetings*, and as many special meetings as possible. When a board or commission member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and/or staff liaison.

The board/commission chair shall, in consultation with the staff liaison, propose that each absence be "excused" or "unexcused". Each board or commission shall then determine by general consent (or, failing to achieve general consent, by majority vote) their members' absences from regularly scheduled meetings as

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excused or unexcused** and shall include that record in official meeting minutes. Absences from special meetings shall be recorded but shall not be classified as “excused” or “unexcused”.

Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any twelve consecutive month period, shall result in that member’s seat being declared vacant by the city clerk. Any declaration of vacancy based on unexcused absence from more than 25% of all regularly scheduled meetings over any consecutive 12-month period shall be appealable to the City Council. (Declarations based on absence from three consecutive regularly scheduled meetings are Charter-based and are not appealable.)

Board and commission members are responsible for monitoring their own attendance records. Staff shall prepare for the City Council semi-annual reports of all the City’s boards and commissions showing the attendance of each member at both regular and special meetings during the past 12 months. The percent of regularly scheduled meetings attended shall only be shown for board and commission members having been in office at least six months.

Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members.

* *Regularly scheduled meetings* are defined as those in alignment with the general description provided the public as to the times that board or commission routinely meets. For example, if the Heritage Preservation Commission is advertised as meeting the first Wednesday of every month, meetings held on these dates only shall be considered “regular meetings”. Any other meetings shall be considered special meetings. Regularly scheduled meeting *dates and times* for all boards and commissions shall be posted on the City’s Web site and in the Boards and Commissions Handbook.

** *Excused absences* shall be limited to those which meet both of the following requirements:

(a) The absent member must have informed the chair and/or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair or the staff liaison prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice), *and*

(b) The absence is due to one of the following:

(a).i A death in the family,

(b).ii Personal illness,

(c).iii Board or commission-related business,

(d).iv Personal leave (limited to one per fiscal year for those boards/commissions meeting monthly or less frequently and to 10% of regularly scheduled meetings for those meeting more frequently)

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- ~~(e)-v~~ Emergency, or
- ~~(f)-vi~~ Decision by member's supervisor in employment or required military service.

C-(III) Quorums

Boards and commissions have a quorum when ~~51~~50% plus one (1) of their current membership is present. "Current membership" is defined as the official membership, less any seats that are formally vacant through resignation, unfilled vacancy or removal.

D-(IV) Majority and Abstentions

Board and/or commission motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present *and* voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results. (Source: The Standard Code of Parliamentary Procedure, 4th Edition)

(V) Ad-hoc Committees

Ad-hoc committees may be established as required to facilitate the study of Council-directed or staff-requested initiatives. These committees will be project-specific and will function only for the duration of the project.

I. Duties

Aside from obligations related to attendance and training noted elsewhere in this policy, the general duties for all board and commission members are:

(I) — A. — General Duties

(a) Work Plans

Each board and commission shall create an Annual Work Plan which is a 12-month calendar of the policy issues the board/commission will be acting on during the year.

(b) Study Issues Process

The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:

- To advise Council regarding the identification of policy issues to study
- To advise Council on those issues Council has decided to study

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Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or commissions, or at the next regular meeting of the respective board or commission.

(c) Budget

Board and commission members have two roles in the budget process:

- To advise Council regarding the identification of budget issues
- Provide Council a recommendation regarding the city manager's recommended budget for content under the purview of their board or commission.

(d) Operational Issues

Board and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.

(II) Specific Duties

(a) Arts Commission

- Review those portions of master plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to City Council.
- Review and make recommendations on the Arts Sub-Element of the General Plan.
- Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
- Make policy recommendations regarding the purchase of art for public buildings and for art in private development in accordance with Council Policy 6.4.3. *Art in Private Development*.
- Study the regional and state Arts Master Plans and make recommendations to the City Council.

(b) Bicycle and Pedestrian Advisory Commission

- Recommend priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle.
- Participate in periodic review and revision of the Bicycle Plan and Map.
- Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.
- Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
- Develop recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
- Review and make recommendations on the applicable sections of the General Plan.

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(c) Board of Building Code Appeals

- i Consider and make determinations on appeals of building code decisions made by the Chief Building Official or Fire Marshal. (Source: Sunnyvale Municipal Code Chapter 16.16.020)
- ii Consider and make determinations on appeals of green building requirements made by the director of community development. (Source: Sunnyvale Municipal Code Chapter 19.39)

(d) Board of Library Trustees

- i Review and make recommendations on the Library Sub-Element of the General Plan.
- ii Assess community conditions which affect Library goals and policies.
- iii Review and make recommendations regarding agreements with outside groups and recommend funding allocations.

(e) Heritage Preservation Commission

- i Act in an advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts. (Source: City Charter Section 1016)
- ii Exercise such functions with respect to any heritage resource, landmark site or landmark district as may be prescribed by ordinance. (Source: City Charter Section 1016)
- iii Decision-making authority on resource alteration permits and landmark alteration permits as well as actions to remove a heritage resource from the list of heritage resources. These decisions are final unless appealed to the City Council.
- iv Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits.
- v Recommendations to City Council on new heritage resource and landmark sites and districts (including buildings, landscapes, and other artifacts that are considered significant in Sunnyvale's history).
- vi Recommendation to the City Council on Heritage Housing and other heritage zoning districts.
- vii Participation in the development and promotion of museums and City archives.

(f) Housing and Human Services Commission

- i Review and make recommendations on the Housing and Community Revitalization Sub-Element and Socioeconomic Element of the General Plan.
- ii Review proposed funding policies and grant applications by eligible housing and human service* agencies for Community Development Block Grant (CDBG) HOME and/or other available funds for public services and/or housing projects, and make funding recommendations to Council in response to the proposals received.
- iii Hold public hearings on draft HUD Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to Council regarding the content of those plans.
- iv In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services

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Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the Council has established an advisory board or commission, unless dual responsibility therefore is explicitly authorized by a City Council-approved Agenda Calendar or work plan.

- v Study, evaluate and recommend policies relating to human rights and human relations issues related to housing and human services* in Sunnyvale.

*human services as defined by Council Policy 5.1.3

(g) Parks and Recreation Commission

- i Study, evaluate and recommend to the City Council policies relating to parks and recreation activities, such as:
 - Community center use policy
 - Park building use policy
 - Picnic facility use policy
 - License agreements
- ii Review master plan of park development or expansion for adequacy, appearance and other appropriate criteria in an attempt to assure good design and make recommendations to the Council.
- iii Review and make recommendations regarding agreements with parks and recreation related outside groups and recommend funding allocations.
- iv Study, evaluate and recommend to the City policies relating to human rights and human relations issues that may arise when addressing issues such as inclusion in the use of City parks and recreation facilities, program accessibility and cultural diversity.

(h) Personnel Board

- i Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed, and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom. (Source: City Charter Section 1008)
- ii After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations. (Source: City Charter Section 1008)
- iii Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the City Council may require by ordinance. (Source: City Charter Section 1008)

COUNCIL POLICY MANUAL

(i) Planning Commission

- i After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City. (Source: City Charter Section 1010)
- ii Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance. (Source: City Charter Section 1010)
- iii Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled "Planning" of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of the Charter. (Source: City Charter Section 1010)
- iv Decision-making authority on a variety of discretionary land use applications (e.g. use permits, special development permits, variances, specified design reviews, tentative maps and appeals of decisions of the Zoning/Administrative Hearing Officer). These decisions are final unless appealed to the City Council.
- v Final decision-making authority on appeals of staff decisions on minor land use applications (e.g. Tree Removal Permits, Miscellaneous Plan Permits).
- vi Provide recommendations to City Council on legislative actions such as zoning code amendments, rezoning of property, amendments to the General Plan, and new and revised specific plans as well as related applications considered at the same time as a legislative action.
- vii Review and make recommendations on the entire General Plan (all Elements and Sub-elements) as updates and amendments are considered.
- viii Review and act on environmental documents in compliance with the California Environmental Quality Act (CEQA), when related to any of the above actions.

(III) Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or ~~Council resolution. By laws shall be established by all boards and commission and be approved by Council prior to taking effect~~by revision to this policy.

J. 8. Interaction with City Council, Public, Staff, and other Board and Commission Members

The city manager shall appoint a staff liaison to support each board and commission.

In addition to their role as advisors to the Council, boards and commissions 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

COUNCIL POLICY MANUAL

recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception: ~~During~~ during a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Board and commission members shall adhere to the City's Code of Ethics and Conduct for Elected and Appointed Officials. Council conduct with boards and commissions is also covered in the City's Code of Ethics and Conduct for Elected and Appointed Officials.

Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall consider joint study sessions with boards and commissions as warranted. Council shall encourage members of the public to submit issues and/or concerns to the appropriate board or commission prior to Council considering the matter. (*Source: Community Participation Sub-Element 7.2C.5(a)*)

COUNCIL POLICY MANUAL

Board and commission members with questions or concerns about board or commission administrative matters shall seek resolution in the following manner and sequence:

- ~~1.(I)~~ **2.(I)** **Consult your board/commission chair** (If you are the chair, proceed to Step ~~2~~(II)).
- ~~2.(II)~~ **3.(II)** If the chair is unable to satisfactorily answer your question or address your concern, or if your problem is with the chair; or if you are the chair, **consult your staff liaison**.
- ~~3.(III)~~ **4.(III)** If the staff liaison is unable to satisfactorily answer your question or address your concern, (or if your problem is with the liaison), **consult the department director** to whom the staff liaison reports. **This must be done in writing**, specifying your concerns and the unsatisfactory nature of the responses received from the chair and/or the staff liaison. The department director will respond back to you in writing within 10 business days (or provide a reason why that is not possible and a specific deadline for a response).
- ~~4.(IV)~~ **5.(IV)** If the department director is unable to satisfactorily answer your question or address your concern, **consult the Office of the City Clerk. All written materials identified in Step 3 must be provided to the city clerk** upon initial contact with that office. You will receive a written response from the Office of the City Clerk within 10 business days (or a reason why that is not possible and a specific deadline for a response).
- ~~5.(V)~~ **6.(V)** If the Office of the City Clerk is unable to satisfactorily answer your question or address your concern, **consult the Office of the City Manager. All written materials identified in Steps 3 and 4 must be provided to the Office of the City Manager** upon initial contact with that office. You will receive a written response from the Office of the City Manager within 10 business days (or a reason why that is not possible and a specific deadline for a response).
- ~~6.(VI)~~ **7.(VI)** If the Office of the City Manager is unable to satisfactorily answer your question or address your concern, **consult the Mayor's Office. All written materials identified in Steps 3, 4, and 5 must be provided to the Mayor.** You will receive a written response from the Mayor's Office within 10 business days (or a reason why that is not possible and a specific deadline for a response).

K. 9. Recognition

An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of the City Manager, shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time, and will be suitable for the occasion.

L. 10. Resignation/Completion of Term

When a board or commission member resigns from his or her seat, the member shall notify the Mayor in writing (email, fax or letter), with copies to the staff liaison, city clerk and city manager, indicating the effective date and the reason(s) for resignation.

COUNCIL POLICY MANUAL

When the resignation notice is received by the Office of the City Clerk, staff shall notify Council of the resignation and the status of recruitment efforts to fill the vacancy.

Upon resignation or completion of board or commission assignment, individuals shall not represent themselves further as a board or commission member.

M. **Sanctions**

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act. (*Source: Code of Ethics and Conduct for Elected and Appointed Officials*)

Any form of discipline involving formal censure, or affecting board or commission member status (i.e., removal from office or removal of chairperson status), shall be imposed by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

12.N. **Investigations**

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. These actions include, but are not limited to: take no further action; discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

COUNCIL POLICY MANUAL

O. 13. Removal

The members of each board or commission shall be subject to removal by motion of the City Council approved by at least four affirmative votes, for the following reasons:

- (I) Failure to maintain eligibility requirements
- (II) Failure to take the required Oath of Office
- (III) Failure to complete required training
- (IV) Failure to meet attendance requirements
- (V) Failure to fulfill board or commission duties
- (VI) Failure to adhere to Council policy governing boards and commission member interaction with City Council, the public, staff, and/or other board or commission members.
- (VII) Violation of Code of Ethics and Conduct

P. 14. Administrative Policies

The city manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the operation of all boards and commissions.

((Adopted: RTC 07-148 (5/1/07); clarity update 9/21/07; Revised by RTC 08-043 (2/12/08) in accordance with Council action on 11/27/07 and 1/29/08; Revised by RTC 08-294 (10/14/08); Revised by RTC 09-047 (2/24/09); Revised by RTC 09-098 (5/12/09); clerical update (5/15/09))

Lead Department: Office of the City Manager

Attachment B

RESOLUTION NO. _____

RESOLUTION REPEALING THE EXISTING BYLAWS, FUNCTIONS AND RESPONSIBILITIES OF THE NINE COUNCIL-APPOINTED BOARDS AND COMMISSIONS OF THE CITY OF SUNNYVALE; REPEALING RESOLUTION NOS. 299-78, 193-84, 134-85 AND 173-92; APPROVING AMENDED AND RESTATED BYLAWS; AND RE-ESTABLISHING THE CITY OF SUNNYVALE'S ARTS COMMISSION, BICYCLE AND PEDESTRIAN ADVISORY COMMISSION, AND THE HOUSING AND HUMAN SERVICES COMMISSION

WHEREAS, the City has nine council-appointed boards and commissions: Arts Commission; Bicycle and Pedestrian Advisory Commission; Board of Building Code Appeals; Board of Library Trustees; Heritage Preservation Commission; Housing and Human Services Commission; Parks and Recreation Commission; and Personnel Board and Planning Commission; and

WHEREAS, it has come to the attention of staff that not all of the City's nine boards and commissions have established bylaws and not all of those bylaws currently in existence have been approved by Council; and

WHEREAS, in order to ensure consistency in format and content with the Council and Administrative policies related to the City's boards and commissions program and to ensure effective and expeditious handling of public business, staff has recommended that the existing bylaws of the City's nine council-appointed boards and commissions be repealed and that the amended and restated bylaws attached hereto as Exhibit A be approved by Council.

WHEREAS, staff's recommended bylaws include updated functions and responsibilities for the City's nine council-appointed boards and commissions and staff has recommended that Resolution Nos. 299-78 (Parks and Recreation Commission), 193-84 (Arts Commission), 134-85 (Housing and Human Services Commission) and 173-92 (Bicycle and Pedestrian Advisory Commission), including the functions and responsibilities contained therein, be repealed in their entirety and where applicable the board and/or commission be re-established and the existing functions and responsibilities be replaced with the amended and restated bylaws attached hereto as Exhibit A and approved by Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT the existing Bylaws of the City's nine council-appointed boards and commissions (Arts Commission; Bicycle and Pedestrian Advisory Commission; Board of Building Code Appeals; Board of Library Trustees; Heritage Preservation Commission; Housing and Human Services Commission; Parks and Recreation Commission; Personnel Board and Planning Commission) are hereby repealed; and

BE IT FURTHER RESOLVED THAT Resolution Nos. 299-78 (Parks and Recreation Commission), 193-84 (Arts Commission), 134-85 (Housing and Human Services Commission) and 173-92 (Bicycle and Pedestrian Advisory Commission) are hereby repealed and the functions and responsibilities contained therein are replaced with the amended and restated Bylaws attached hereto as Exhibit A, and the Arts Commission, Bicycle and Pedestrian Advisory Commission, and the Housing and Human Services Commission are hereby re-established;

BE IT FURTHER RESOLVED THAT the amended and restated Bylaws attached hereto as Exhibit A are hereby approved as the Bylaws for the City's nine council-appointed boards and commissions (Arts Commission; Bicycle and Pedestrian Advisory Commission; Board of Building Code Appeals; Board of Library Trustees; Heritage Preservation Commission; Housing and Human Services Commission; Parks and Recreation Commission; Personnel Board and Planning Commission) and shall be enforced immediately upon formal adoption by the respective board or commission at its next regular meeting.

Adopted by the City Council at a regular meeting held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

Attachment C

RESOLUTION NO. 193-84

**RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE
ESTABLISHING AN ARTS COMMISSION AND DESIGNATING ITS
FUNCTIONS**

WHEREAS, by Resolution No. 262-82, the City Council established an Arts Committee for a period of two (2) years in order to evaluate the performance and benefit accruing as a result of such a committee; and

WHEREAS, the City Council has conducted such an evaluation and has determined to constitute the committee as a standing committee of the City and to rename it the Arts Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. CREATION OF ARTS COMMISSION. The City Council hereby creates a standing committee to be known as the Arts Commission of the City of Sunnyvale.

SECTION 2. ARTS COMMISSION MEMBERSHIP. The Arts Commission shall consist of five (5) members appointed by the City Council. Every person appointed to the Arts Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Commission.

The members of the Arts Commission shall have a demonstrated interest in the arts and in the art programs of the City. Strong consideration shall be given applicants with a background in the arts.

SECTION 3. TERM OF MEMBERSHIP. The members of the Arts Commission shall serve for a term of four (4) years and until their respective

successors are appointed and qualified, unless removed earlier by the City Council. No member shall be eligible to serve for more than one successive four-year term, nor shall any member be eligible for appointment to the Commission for two years after the expiration of a full term. Any person appointed to the Commission to fill an unexpired term of not more than two (2) years shall, however, be eligible to serve one successive four-year term.

The initial membership of the Commission shall consist of the five persons serving on the Arts Committee at the time of adoption of this resolution. Those initial members shall so classify themselves by lot so that the terms of two members shall expire July 1, 1985, and thereafter each succeeding July 1st the term of at least one member shall expire.

For purposes of determining whether an initial member is eligible for reappointment, an initial member shall be deemed to have served a four-year term if the total time of service, including service on the previous Arts Committee, prior to expiration of the term is four years or more.

SECTION 4. BY-LAWS; MEETINGS. The Arts Commission shall prepare and recommend to the City Council, for adoption, by-laws for the conduct of business by the Commission. All meetings of the Commission shall be in accordance with the by-laws adopted by the City Council and with the Ralph M. Brown Act.

SECTION 5. FUNCTION AND RESPONSIBILITIES. The function and purpose of the Arts Commission is to assist the City Council and the Parks and Recreation Department in matters that pertain to the arts programs, classes, workshops, performances and other arts activities,

as may be directed by the City Council. In order to carry out its function, the Arts Commission will do the following:

A. Study, evaluate and recommend to the City policies relating to arts activities such as, but not limited to:

1. Facilities Use Policy
2. Guidelines for Co-sponsorship of Arts Groups
3. Fees and Charges
4. License Agreements

B. Provide a forum for citizen comments on needs, current services and facilities, and then report said citizen comments and the Arts Commission recommendations to the City Council.

C. Review the annual budget of the Parks and Recreation Department that relates to the arts, as submitted to the Council by the City Manager, and make recommendations concerning the budget to the Council.

D. Review and report on other specific service areas as requested by the Council or City staff.

E. Review those portions of Master Plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to the Council.

F. Attend appropriate meetings, workshops and conferences, and represent the City when requested by the Council.

G. Prepare an annual Arts Commission work program for Council review and approval.

H. Review and make recommendations on the Arts Sub-Element to the City Council.

I. Review and make recommendations regarding co-sponsored and directly funded groups in the area of arts.

J. Make policy recommendations regarding the purchase of art for public buildings.

K. Explore and suggest outside funding sources for the arts.

L. Study the regional and state Arts Master Plans and make recommendations thereon to the City Council.

M. Examine alternatives for a yearly art event.

N. Study and make recommendations regarding the establishment of a Fund for the Arts.

O. Make recommendations regarding a public/private partnership for the arts.

P. Review and make recommendations regarding an ordinance or policy requiring a percentage of the cost of any public improvement to be dedicated to the arts.

SECTION 6. Resolution No. 262-82 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 9th day of October, 1984, by the following called vote:

AYES: Gonzales, Wulffhorst, Cude, McKenna, O'Toole, Briody
NOES: Mercer
ABSENT: None

APPROVED:

Lynn Briody
Mayor

ATTEST:
City Clerk

By CAROL ANN BUTLER
Deputy City Clerk
(SEAL)

**CITY OF SUNNYVALE
BICYCLE ADVISORY COMMITTEE
BY-LAWS**

1. Purpose.

The Bicycle Advisory Committee (BAC) acts in an advisory capacity to City Council and the City administration to provide technical expertise on major policy areas related to bicycle and pedestrian issues based primarily on a work plan derived from Sunnyvale's Bicycle Plan. The BAC is also responsible for compiling and prioritizing the TDA Article 3 application to the Metropolitan Transportation Commission each Fall.

2. Functions.

The BAC functions in an advisory capacity to the City Council performing functions such as:

1. Recommending priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle;
2. Recommending priorities and implementation of the City of Sunnyvale Bicycle Program as outlined in the Bicycle Plan.
3. Participating in periodic review and revision of the Bicycle Plan and Map.
4. Making recommendations regarding a balance between the needs of children, commuter and recreational cyclists in terms of budget allotted to feasibility studies and capital improvement project.
5. Working closely with Public Safety, Parks and Recreation and School District(s) representatives in the formulation of enhanced education and safety programs for all Sunnyvale residents.
6. Coordinating with City staff on other bicycle/pedestrian issues.

3. Membership.

The Bicycle Advisory Committee shall consist of seven (7) members appointed by the City Council in accordance with resolution #173-92.

4. Terms/Vacancies.

In accordance with Resolution #173-92.

5. **Attendance**

Three consecutive "unexcused" absences from regular meetings shall be cause for termination from the BAC by City Council. "Unexcused absence" is defined as any absence from a regularly scheduled meeting of the committee, except when the Committee formally excuses the member from the meeting as documented in the minutes.

6. **Officers.**

A chairperson and vice chairperson shall be elected annually by the members of the BAC at the first regular meeting in November of 1994 and each subsequent July and shall serve at the pleasure of the Committee. The chairperson shall preside at the Committee meetings and, in the absence or disability of the chairperson, the vice chairperson shall assume the duties of the chairperson. If the chairperson and vice chairperson shall both be absent from a regular or special meeting then a) the chair shall designate a temporary chairperson or, b) if a quorum is present, the membership shall appoint a temporary chairperson to preside.

7. **Committees.**

The BAC may establish Ad Hoc Committees as required. These committees will be project specific and will function only for the duration of the project. Standing committees may be established as needed.

8. **Meetings.**

- a) Regular meetings shall be conducted monthly.
- b) Notice of Meetings shall be published in concert with the City Council Agenda.
- c) Meeting shall be conducted using Roberts Rules of Order.
- d) A majority of the currently serving members shall constitute a quorum for the conduct of any meeting. As long as a quorum is present at any time after the start of the meeting, official action can be taken.
- e) Special meetings can be called by the Chair or acting Chair with a minimum of five (5) working days notice. Special meetings shall require a quorum be present to conduct business. Only business designated in the special call shall be conducted at the special meeting.
- f) Conflict of interest. Any BAC member with a conflict of interest in business pending before the Committee shall declare that conflict for the record and

withdraw from discussion and voting on the subject.

9. **Amendments.**

The By-laws and any subsequent modifications must be approved by the City Council. Recommendations on amendments to these by-laws can be made by a majority of the members. Proposed amendments must be submitted to the BAC at least one month prior to a vote on any revisions.

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RESOLUTION NO. 173-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE ESTABLISHING A BICYCLE ADVISORY COMMITTEE
AND DESIGNATING ITS FUNCTIONS

WHEREAS, the Metropolitan Transportation Commission (MTC) adopted Transportation Development Act (TDA) Article 3 Procedures and Project Evaluation Criteria in December 1991 which have new requirements for bicycle advisory committees; and

WHEREAS, these new requirements comply with State Transportation Control Measures (STCMs); and

WHEREAS, STCMs require that cities and counties have bicycle advisory committees to be eligible for TDA Article 3 funding, beginning with the Fiscal Year 1993/94 funding cycle;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. CREATION OF BICYCLE ADVISORY COMMITTEE. The City Council hereby creates a standing committee to be known as the Bicycle Advisory Committee of the City of Sunnyvale.

2. MEMBERSHIP. The Bicycle Advisory Committee shall consist of seven (7) members appointed by the City Council. The members of the Committee shall be selected from two categories. Category One shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Committee. Category Two shall include members of the PTA or other parent groups, representatives of the Santa Clara Unified School District or Sunnyvale School District administrations, commute coordinators for major employers within the City, members of neighborhood associations, principals or teachers from Sunnyvale schools, persons interested in park and recreational activities in the City.

The members of the Bicycle Advisory Committee shall have an interest in bicycle and/or pedestrian issues in the City.

3. TERM OF MEMBERSHIP. The members of the Bicycle Advisory Committee shall serve for a term of four (4) years and until their respective successors are appointed and qualified, unless removed earlier by the City Council. No member shall be eligible to serve for more than one four-year term, nor shall any member be eligible for appointment to the Committee for two years after the expiration of a full term. Any person appointed to the Committee to fill an unexpired term of not more than two (2) years shall, however, be eligible to serve one full four-year term.

The initial membership of the Committee shall consist of the seven persons serving staggered terms as follows: two persons from Category One and two persons from Category Two shall serve a four-year term, expiring June 30, 1996, and one person representing bicyclists and/or pedestrians and two persons representing other interested groups shall serve a two-year term, expiring June 30, 1994.

4. BY-LAWS; MEETINGS. The Bicycle Advisory Committee shall prepare and recommend to the City Council, for adoption, by-laws for the conduct of business by the Committee. All meetings of the Committee shall be in accordance with the by-laws adopted by the City Council and with the Ralph B. Brown Act.

5. FUNCTION AND RESPONSIBILITIES. The function and purpose of the Bicycle Advisory Committee is to assist the City Council and the Department of Public Works in matters that pertain to bicycle and pedestrian projects in the City. In order to carry out its function, the Bicycle Advisory Committee will do the following:

A. Study, evaluate and make recommendations to the City relating to bicycle and pedestrian activities such as, but not limited to:

1. Setting priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle;

2. Establishing priorities and implementation of the City of Sunnyvale Bicycle Program as outlined in the 1992 Bicycle Plan.

3. Participate in periodic review and revision of the Bicycle Plan and Map.

B. Balancing the needs of children, commuter and recreational cyclists in terms of budget allotted to feasibility studies and capital improvement projects.

C. Working closely with Public Safety and School District representatives in the formulation of enhanced education and safety programs for all Sunnyvale residents.

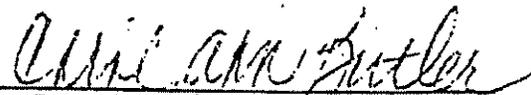
Adopted by the City Council at a regular meeting held on August 4, 1992, by the following vote:

AYES: ROWE, PARKER, WALDMAN, STONE, NAPIER, KAWCZYNSKI, CASTILLO
NOES: NONE
ABSENT: NONE

APPROVED:


Mayor

ATTEST:
City Clerk

By 
Deputy City Clerk

(SEAL)

CITY OF SUNNYVALE
SUNNYVALE PUBLIC LIBRARY BOARD OF LIBRARY TRUSTEES
BY-LAWS

ARTICLE I

The Board of Library Trustees is a permanent Board of the City of Sunnyvale established by Article X, Section 1013 and 1014 of the City Charter. The Board shall conduct activities in accordance with the general provisions outlined in Article X, Section 1000-1006 of said charter.

ARTICLE II - POWERS AND DUTIES

The City's Charter, section 1014, provides for the establishment of an advisory Board of Trustees. The charter specifically provides that:

"The Board of Library Trustees shall have power to:

- a. act in an advisory capacity to the City Council and City Librarian in all matters pertaining to the City Library;
- b. review the annual budget of the City Library prepared by the City Manager, and make recommendations concerning the budget to the City Council; and
- c. exercise such other functions as now or hereafter may be prescribed by the City Council and which do not conflict with the provisions of this Charter."

POWERS:

The Library Board of Trustees acts in an advisory capacity to City Council and City Administration. The Board has no administrative responsibilities and has no jurisdiction over the service or operation of the Library. It does, however, work towards establishing and maintaining the highest level of service attainable.

DUTIES:

The primary duty of the Board is to provide on-going citizen input to major policy areas. To accomplish this, the Board is charged with the following specific duties:

- 1.) ANNUAL BUDGET: The Board provides a preliminary and final review of the annual budget. The Board makes recommendations to City Council and City Administration.
- 2.) LIBRARY MASTER PLAN: The Board provides on-going review of the Library Sub-Element of the City's General Plan and recommends changes to planning goals and policies.

- 3.) COMMUNITY CONDITIONS: The Board assesses community conditions which affect Library goals and policies.
- 4.) CITY COUNCIL DIRECTIVES: The Board studies policies as directed by the City Council through the legislative calendar or otherwise.
- 5.) SPECIAL PROGRAM AREAS: The Board provides on-going recommendations to the City Council regarding special program areas.
- 6.) SPECIAL POLICY ISSUES: The Board surfaces special policy issues which it believes should be addressed by the City.
- 7.) COMMUNITY INPUT: The Board solicits on-going community input regarding Library policies and services. When appropriate, the Board holds public hearings on current issues.
- 8.) PUBLIC RELATIONS: The Board represents the Library to the community explaining goals and services. The Board also justifies and supports policies and procedures, as required.
- 9.) OUTSIDE COMMUNITY GROUPS: The Board determines City co-sponsorship of appropriate outside community groups and recommends funding allocations.

City Administration's main responsibility is to provide the information and data required by the Board for participation in an informed manner.

ARTICLE III - MEMBERSHIP

The Sunnyvale Board of Library Trustees shall consist of five members appointed by the City Council. The members of the Sunnyvale Board of Library Trustees shall have a demonstrated interest in the City Library.

ARTICLE IV - TERM OF OFFICE

Board members shall serve for a term of four years and until their respective successors are appointed and qualified.

ARTICLE V - OFFICERS

A Chairperson and Vice Chairperson shall be elected annually by the members of the Library Board at the first regular meeting in July and shall serve at the pleasure of the Board. The Chairperson shall preside at the Board meetings and, in the absence or disability of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson. If the Chairperson and Vice Chairperson shall both be absent from a

regular or special meeting and a quorum is present, the membership shall appoint a temporary Chairperson to preside.

ARTICLE VI - MEETINGS

Section I: All proceedings of the Board shall be conducted in accordance with the Ralph M. Brown Act which insures that deliberations and actions of local agencies are performed at meetings open to the public. Meetings shall be conducted in accordance with Robert's Rules of Order and the procedures outlined in the Boards and Commissions Handbook of the City of Sunnyvale. In the event of a conflict between the two, the procedures in the City Handbook shall govern.

Section II: Regular meetings will be held once a month on the first Monday in Council Chambers at 7:30 p.m. If the first Monday falls on a holiday, the Board shall select an alternate meeting day at a preceding meeting. The Board will have a quorum when the majority of its current membership is present.

Section III: Special meetings may be called by the Chairperson or by the majority of the Board as provided in the Brown Act.¹

Section IV: The meeting agenda will be prepared by the Director of Libraries and mailed or delivered to Board members by the Saturday prior to their regular meeting. Agenda items can include approved Work Program items as well as requests from the public and Board members. Any Board member may request an item to be placed on the agenda no later than eight (8) working days before a regular meeting. The agenda can be changed by majority vote of the Board.

Section V: Minutes will be kept for regular meetings. Study sessions will not necessitate minutes except when requested for record purposes. A staff member assigned by the Director of Libraries will keep the minutes which will record the formal actions of the Board and contain sufficient descriptive information so as to portray the essence of the discussions. The Board's conversations will be recorded and retained in the Library's archives for two years. Actions of the Board or recommendations to City Council will be voted on by all the Board members present and recorded in the minutes as the motion is stated. An indication will be recorded as to vote: ayes, naves and abstentions. If a member of the Board wishes, a statement may be made as to why he or she voted as they did, particularly when there is a sense that such discussion will assist the City Council in its final approval of the matter. Minutes will be prepared and mailed to the Board for approval at its next regular meeting.

Section VI: Any item requiring specific action will require a staff report to the Board. All advisory actions of the Board to the City Council will be prepared in draft report to Council format. Board recommendations will be added to the final Report.

¹ Ralph M. Brown Act, Gov. Code Section 54950, et. seq.

Section VII: Any Board member with a conflict of interest in business pending before the Board shall declare that conflict for the record and withdraw from discussion and voting on the subject.

Section VIII: Staff will provide the Board with information reports regarding department programs and activities, as needed.

Section IX: The Chairperson is authorized to establish from time to time an ad hoc committee of one or two members to research and report back on special issues of interest to the Board as related to the Legislative calendar.

ARTICLE VII - ANNUAL WORKPLAN

The workplan provides a twelve-month, step-by-step procedure for covering goals, policies, budget and special issues. A tentative workplan will be developed by the Board for the forthcoming calendar year no later than October. However, the final workplan which constitutes the focus of the Board's annual work activities will be approved by the City Council the following January. Any change is subject to Council approval. However, modifications to the work program may be requested by the Board or the Council at any time during the year. In such instances, a comprehensive staff report to the City Council regarding such desired changes will be provided by the Director of Libraries and will include the Board's and staff's recommendations.

ARTICLE VIII - BUDGET

Each October the Board will review current budgeted services levels and recommend to the City Council any areas where the Board believes service expansion or reduction should be studied for the coming budget year. The Council will determine in which areas it desires specific study. For all designated study areas, Library staff will prepare a comprehensive study report, and recommendation to the Board and City Council. In May each year the Director of Libraries will review the City Manager's recommended budget in regard to the library with the Board who will provide the Council with recommendations.

ARTICLE IX - ADOPTION AND AMENDMENT OF BY-LAWS

These By-Laws must be approved, adopted and/or modified by the City Council. The Board, by a majority vote of its members, may recommend changes to Council for its final approval.

Adopted October 1985
Amended July 1991

CITY OF SUNNYVALE
HOUSING AND HUMAN SERVICES COMMISSION

BY-LAWS

ARTICLE I - PURPOSE

By action of the City Council on March 19, 1985, the City Council created the Housing and Human Services Commission. The purpose of the Housing and Human Services Commission is to assist the City Council in matters that pertain to existing and potential programs, policies, and other official City undertakings in the fields of housing and human services. The Commission's purpose is to assist in the formulation and implementation of City policies affecting housing and human services issues.

ARTICLE II - MEMBERSHIP

The Housing and Human Services Commission shall consist of fifteen (15) members appointed by the City Council. All persons appointed to the Housing and Human Services Commission shall, at the time of his/her appointment, be a registered voter of the City, and shall maintain his/her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his/her principal place of residence within the City, that person thereafter shall be ineligible to continue to service as a member of the Commission. Members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues.

Each member shall be selected for membership on the Commission by majority approval of the City Council following nomination thereto by a City Council member. Each City Council member shall have the right to nominate two (2) of the fifteen (15) members to be selected. The fifteenth member of the Commission shall be appointed thereto by a majority vote of the Council, upon nomination by any City Council member.

ARTICLE III - TERM OF OFFICE

Original members of the Housing and Human Services Commission shall serve for the terms set forth in the **RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE ESTABLISHING A HOUSING AND HUMAN SERVICES COMMISSION AND DESIGNATING ITS FUNCTIONS, AND DISSOLVING THE HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE AND THE HUMAN DEVELOPMENT ADVISORY PLANNING COUNCIL, EFFECTIVE JULY 1, 1985.**

Successor members to the Housing and Human Services Commission shall service terms of four (4) years each. No member shall be eligible to serve for more than one successive four-year term, nor shall any member be eligible for appointment to the Commission for two (2) years after the expiration of a full term.

Vacancies occurring for any reason shall be filled by appointment by the City Council for the unexpired term of the Commission member being replaced. Any person appointed to the Commission to fill an unexpired term of not more than two (2) years shall be eligible to serve one successive four-year term.

ARTICLE IV - CHAIRPERSON AND VICE-CHAIRPERSON

A Chairperson and Vice-Chairperson will be elected by the members of the Commission to serve for one (1) year on or before July 1st of each year. The Chairperson shall preside at Commission meetings and in the absence or disability of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson. If the Chairperson and the Vice-Chairperson are absent at a regularly scheduled meeting, and a quorum is present, the membership shall appoint a temporary Chairperson to preside.

ARTICLE V - FUNCTIONS OF THE COMMISSION

In carrying out its functions and responsibilities, the Housing and Human Services Commission will be involved, only as may be directed by the City Council through annual Legislative Calendars and Council-approved Work Programs, and through particular Council Directives, in the following activities:

- a. Review of the Housing and Community Revitalization Sub-Element of the Sunnyvale General Plan.
- b. Policy analysis, review, and preparation of policy recommendations on housing and related issues.
- c. Review of the Socio-economic Element of the Sunnyvale General Plan.
- d. Policy analysis, review, and preparation of policy recommendations on socio-economic and social services issues.
- e. Advice upon implementation of policies governing funding of Outside Groups, excepting those Outside Group Funding Programs presently within the responsibility of other commissions of the City, such as the Parks and Recreation Commission, the Arts Commission, etc.
- f. Oversight of preparation of the Community Development Block Grant funding policies and formulation of the Community Development Block Grant budget.
- g. Such other and further functions as may be assigned to the Commission by the City Council within the field of housing and human services.

In the interest of efficiency and certainty of the land use planning and development process, the Housing and Human Services Commission shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by State law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The Commission shall not be formally involved in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside funding) to the programs provided by City departments for which the Council has established an advisory board or commission, unless dual responsibility therefor is explicitly authorized by a City Council-approved Legislative Calendar or Work Program.

ARTICLE VI - COMMITTEES

The Chairperson may institute ad hoc committees of the Housing and Human Services Commission as necessary with the approval of the majority of members present.

ARTICLE VII - ABSENCES

If a member of the Committee accrues three (3) consecutive absences from regular meetings of the Housing and Human Services Commission, the Chairperson shall recommend to the City Council that the member be removed and that a replacement be appointed to the Commission.

ARTICLE VIII - MEETING PROCEDURES

Meetings will be conducted in accordance with Roberts Rules of Order. Votes will be taken according to parliamentary procedures outlined in the Boards and Commissions Handbook of the City of Sunnyvale.

The Chairperson may limit the total time available for public debate on an issue before the Housing and Human Services Commission if an equal and reasonable period of time is allocated to all those who wish to speak on the issue.

ARTICLE IX - ACTION, MINUTES

A majority of the members of the Housing and Human Services Commission shall constitute a quorum for the conduct of routine business. An affirmative vote of a majority of those members present at the meeting at which a quorum is constituted shall be required for official action of the Commission.

Taped minutes shall be kept of all Commission meetings which are broad enough in scope and detail as to inform the City Council of the intent of all Commission discussion and actions, and the tapes shall be kept until they have been approved by the Commission and for sixty (60) days following said approval. Minutes of all Commission meetings shall be prepared and copies thereof shall be furnished to Commission members, City Council members, and the City Clerk.

ARTICLE X - CONFLICT OF INTEREST

Any Commission member with a conflict of interest in business pending before the Commission shall declare this interest for the record and withdraw from discussion and voting on the subject immediately after the subject has been introduced for consideration by the Commission.

ARTICLE XI - EXTENSION OF BY-LAWS

Any situation not covered by these by-laws shall be governed by the City of Sunnyvale Boards and Commissions Handbook.

RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE
ESTABLISHING A HOUSING AND HUMAN SERVICES COMMITTEE
AND DESIGNATING ITS FUNCTIONS, AND DISSOLVING THE
HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY
COMMITTEE AND THE HUMAN DEVELOPMENT ADVISORY PLANNING
COUNCIL, EFFECTIVE JULY 1, 1985

WHEREAS, the City Council proposes to create a Housing and Human Services Committee to assist in the formulation and implementation of City policies affecting housing and human services issues; and

WHEREAS, it is the intention of the City Council to reorganize and merge certain former functions of the Housing and Community Development Citizens Advisory Committee and the Human Development and Advisory Planning Council into this single new entity;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. CREATION OF COMMITTEE. The City Council hereby creates the Housing and Human Services Committee of the City of Sunnyvale. The Housing and Human Services Committee shall continue in existence, commencing on July 1, 1985, for an indefinite term.

SECTION 2. COMMITTEE MEMBERSHIP. The Housing and Human Services Committee shall consist of fifteen (15) members appointed by the City Council. Every person appointed to the Housing and Human Services Committee shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person thereafter shall be ineligible to continue to serve as a member of the Committee. The members of the Housing and Human Services Committee shall have a demonstrated interest in housing or human services issues.

Each member shall be selected for membership on the Committee by majority approval by the City Council, following nomination thereto by a City Councilmember. Each City Councilmember shall have the right to nominate two (2) of the fifteen members to be selected.

The fifteenth member of the Committee shall be appointed thereto by majority vote of the Council, upon nomination by any City Councilmember.

SECTION 3. TERMS; BYLAWS; MEETINGS. Each member of the Housing and Human Services Committee shall serve at the pleasure of the City Council. Original members shall serve for the terms set forth in the following table, and successor members shall serve terms of four (4) years each.

<u>Seat #</u>	<u>Current Councilmember</u>	<u>1st Appointee Term Ends</u>	<u>2nd Appointee Term Ends</u>
1	Castillo	1986	1988
2	Wulfhorst	1986	1988
3	Cude	1986	1988
4	Mercer	1987	1989
5	Briody	1987	1989
6	Gonzales	1987	1989
7	O'Toole	1987	1989
	At Large	1986	

The Housing and Human Services Committee shall prepare and recommend to the City Council for adoption, bylaws for the conduct of business by the Committee. All meetings of the Committee shall be in accordance with the bylaws adopted by the City Council and with the Ralph M. Brown Act (Government Code §§54950, et seq.).

SECTION 4. FUNCTIONS AND RESPONSIBILITIES. The function and purpose of the Housing and Human Services Committee is to assist the City Council in matters that pertain to existing and potential programs, policies, and other official City undertakings in the fields of housing and human services.

In carrying out its functions and responsibilities, the Housing and Human Services Committee will be involved, only as may be directed by the City Council through annual Legislative Calendars and Council approved Work Programs, and through particular Council Directives, in the following activities:

A. Review of the Housing and Community Revitalization Subelement of the Sunnyvale General Plan.

B. Policy analysis, review, and preparation of policy recommendations on housing and related issues.

C. Review of the Socioeconomic Element of the Sunnyvale General Plan.

D. Policy analysis, review and preparation of policy recommendations on socioeconomic and social services issues.

E. Advice upon implementation of policies governing funding of outside groups, excepting those outside group funding programs presently within the responsibility of other commissions of the City, such as the Parks and Recreation Commission, the Arts Committee, etc.

F. Oversight of preparation of Community Development Block Grant funding policies and formulation of the Community Development Block Grant budget.

G. Such other and further functions as may be assigned to the Committee by the City Council within the field of housing and human services.

In the interests of efficiency and certainty of the land use planning and development process, the Housing and Human Services Committee shall not be involved formally in matters within the responsibility of the Sunnyvale Planning Commission, as defined by state law and the Charter and ordinances of the City of Sunnyvale, in any manner that would delay or interfere with consideration of land use permit applications or legislative decisions affecting particular properties. The Committee shall not be involved formally in issues pertaining directly to current or future human services programs which are directly provided by, co-sponsored by, or relate directly (in the case of outside group funding) to the programs provided by City departments for which the Council has established an advisory board or commission, unless dual responsibility therefor is explicitly authorized by City Council-approved Legislative Calendar or Work Program.

SECTION 5. DISSOLUTION OF HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND HUMAN DEVELOPMENT ADVISORY AND PLANNING COUNCIL. Effective July 1, 1985, the Housing and Community Development Advisory Committee and the Human Development Advisory and Planning Council, formerly established by the City Council of the City of Sunnyvale, shall be dissolved and their formal existence

shall come to an end. All provisions of any resolution of the City Council inconsistent herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 19th day of March, 1985, by the following called vote:

AYES: Castillo, Wulfhorst, Cude, O'Toole, Briody, Gonzales, Mercer
NOES: None
ABSENT: None

APPROVED:



Mayor

ATTEST:
City Clerk

BY Carol Ann Butler
Deputy City Clerk

(SEAL)

E/

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE ESTABLISHING FUNCTION OF THE PARKS AND
RECREATION COMMISSION

WHEREAS, members of the City Council and the Parks and Recreation Commission have met to discuss the role of the Parks and Recreation Commission; and

WHEREAS, as a result of said meeting, the Parks and Recreation Commission has described its function which is consistent with City Charter Section 1012; and

WHEREAS, the City Council has reviewed this description of the Parks and Recreation Commission's function, and desires to adopt the same.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE RESOLVES AS FOLLOWS:

SECTION 1. Function of Parks and Recreation Commission. In accordance with the Charter of the City of Sunnyvale, the function and purpose of the Parks and Recreation Commission is to assist the City Council in matters and services that pertain to the parks system, open space, playgrounds, entertainment and other cultural and recreational activities.

SECTION 2. Acts in Furtherance of Function. In order to carry out its function, the Commission will do the following:

1. Study, evaluate and recommend to the City policies relating to park and recreation activities such as, but not limited to:
 - a. Community Center Use Policy
 - b. Park Building Use Policy
 - c. Picnic Facility Use Policy
 - d. Guidelines for Co-sponsorship

- e. Fees and Charges
 - f. License Agreements
2. Provide a forum for citizen comments on needs, current services and facilities, and then report to Council said citizen comments and the Commission's recommendations.
 3. Review the annual budget of the Parks and Recreation Department as submitted to the Council by the City Manager, and make recommendations concerning the budget to the Council.
 4. Review and report on other specific service areas as requested by the Council or City staff.
 6. Review Master Plans of Park development or expansion for adequacy, appearance and other appropriate criteria in an attempt to assure good design and then make recommendations to the Council.
 7. Prepare an operating handbook and other aids to assist the Commission in operation, self-improvement, and/or self-knowledge and have it approved annually by the City Council.
 8. Attend appropriate meetings, workshops and conferences, and represent the City when requested by the Council.
 9. Prepare an annual Park and Recreation Commission work program for Council review and approval.

SECTION 3. The City Clerk is directed to cause a copy of this resolution to be delivered to the Parks and Recreation Commission.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale
at a regular meeting held on the 8th day of August, 1978, by the
following called vote:

AYES: McKenna, Wulfhorst, Cude, Morris, Stone, Gunn

NOES: None

ABSENT: Logan

ATTEST:

APPROVED:

City Clerk

By Carol Ann Butler
Deputy City Clerk

Gil Gunn
Mayor

(SEAL)

Certified as a true copy
LEE S. AYRES, City Clerk

Gil London
Deputy City Clerk of the City of Sunnyvale

Attachment D



**DRAFT MINUTES
SUNNYVALE ARTS COMMISSION
NOVEMBER 18, 2009**

The Sunnyvale Arts Commission met in regular session in City Hall Council Chambers, at 456 W. Olive Avenue, Sunnyvale, CA 94086 at 7 p.m. with Vice Chair Martin-Milius presiding.

The meeting was called to order at 7 p.m.

ROLL CALL

Commissioners Present: Vice Chair Tara Martin-Milius
Commissioner Noelle Hughes
Commissioner Dennis (Jay) Shinseki

Commissioners Absent: Chair Robert Obrey

Staff Present: Director of Community Services David A. Lewis
Assistant City Manager Robert Walker

CONSIDERATION OF ABSENCE – Commissioner Obrey's absence will be considered at the next meeting.

SCHEDULED PRESENTATION – None

PUBLIC ANNOUNCEMENTS – None

CONSENT CALENDAR

1.A. Approval of Draft Minutes of October 21, 2009, Arts Commission Meeting

MOTION: Commissioner Shinseki moved and Commissioner Hughes seconded to approve the Consent Calendar as presented.

VOTE: Motion passed unanimously 3-0. Commissioner Obrey was absent.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS – None

PUBLIC COMMENTS

Tim Kim, Sunnyvale Art Gallery, proposed events and activities that the gallery would like to be involved with, including the Sunnyvale Art Walk event in downtown Sunnyvale. He would like to include Murphy Street businesses, downtown merchants and any other interested parties.

The Commissioners suggested he utilize social media such as Twitter and Facebook, as well as contact the Chamber of Commerce and the Downtown Business Association as possible collaborators with these events.

Commissioners complimented Mr. Kim on his gallery.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Boards & Commissions Bylaws RTC (CA 12/15/09)

Assistant City Manager Walker gave the staff report on this item. He explained to the Commissioners that these new bylaws were meant to consolidate many separate documents from all the various boards and commissions into one document, while at the same time providing relevant information as to responsibilities and procedures unique to each board and commission as applicable.

The public hearing was opened at 7:12 p.m. and closed at 7:13 p.m., as there was no public testimony.

Commissioners commented that the document's contents relating to the Arts Commission were thorough, complete, and accurate.

MOTION: Commissioner Shinseki moved and Commissioner Hughes seconded to recommend that the City Council approve Alternative No. 1, Approve revisions to Council Policy 7.2.19 as included in the report to incorporate bylaws for all boards and commissions and adopt the corresponding resolution.

VOTE: Motion passed unanimously 3-0. Commissioner Obrey was absent.

3. General Plan Consolidation (GPC) Technical Advisory Committee

Director Lewis gave the staff report on this item.

The public hearing opened at 7:25 p.m. and closed at 7:26 p.m., as there was no public comment.

While taking no formal action, it was the unanimous consensus of the Commission that Commissioner Hughes be the Arts Commission's representative to the GPC Technical Advisory Committee and that Vice Chair Martin-Milius serve as an alternate.

NON-AGENDA ITEMS AND COMMENTS

Commission Members Oral Comments

The Commissioners complimented the public artwork that has been installed as part of the new Target store.

Staff Oral Comments – None

INFORMATION ONLY ITEMS

- Staff Liaison Written Report
- Miscellaneous Items of Interest

ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

Respectfully submitted:

David A. Lewis, Director
Department of Community Services

erc

4. ACTION: Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A. – I.) and Adoption of Resolution Repealing any Existing Bylaws and Resolutions – Draft RTC

Kathleen Franco Simmons – Introduced herself as the City Clerk and explained the various states of the current bylaws of Boards and Commissions and some of the current repetitions with the Council Policy Manual. Clarified that staff prepared a Citywide set of by-laws applicable for the boards and commissions which account for Council recommendations. Also explained the different alternatives stated in the staff report for Council consideration and requested the BPAC recommendation in this regard.

Jack Witthaus – Noted that the proposed universal bylaws were checked to ensure that the membership constitutions are consistent with the MTC Transportation Development Act funding. Since they are consistent based on the number of members relative to the number of residents, there will be no changes to the number and make-up of the BPAC membership. The bylaws were also checked to reflect the duties of the Commission to be related to policy consistent with actions of the previous bylaws and the Commission's ongoing functions. In addition, clarified the differences between the original and the staff recommended universal bylaws.

Commissioner Walz – Asked the City Clerk if he could join more than one board/commission. Noted that the Board of Building Code Appeals will be given a lot more responsibilities due to the new green building standards. Indicated that members of the Board of Building Code Appeals need to have more than three members and that they need to be knowledgeable and well versed.

Kathleen Franco Simmons – Requested from Commissioner Walz to bring his concerns and request to the Council's attention as long as he would not be presenting BPAC.

Commissioner Manidakos – Requested to add to (b) iv on Page 11 – 7.2.19 "bicycle and pedestrian related elements of the Sunnyvale General Plan" besides the listed Federal, State and regional policy proposals.

Commissioner Stawitcke – Expressed her appreciation of the staff work on the bylaws revisions and the report to Council.

Chair Jackson – Emphasized his concerns with regard to all sections that limit the BPAC's role to policy (including section 1.B on Page 1 and section I.(I)(d) on Page 10 – 7.2.19) and noted that there are exceptions in the original bylaws which allows BPAC to be involved in operational matters such as implementation of the bike program, coordinate with City staff on bike/pedestrian issues, etc. that are arguably not policy issues. Also raised concerns with regard to BPAC generated study issues that were eliminated this year because they are operational related. In addition, noted with regard to section 2.B. on Page 2 – 7.2.19, that the exception given to the BPAC membership (with regard to residency and being a registered voter) should not only apply at the time of appointment, but also if a BPAC member relocate during his served term.

Commissioner Walz passed a motion seconded by Commissioner Manidakos to recommend Alternative 2 listed on Page 3 of the staff report with the following changes:

- Revise 1.B. on Page 1 to state: Boards and Commissions are primarily responsible for advising Council on policy, but may involve themselves in administrative operational matters when relevant.
- Revise 2.B on Page 2 as explained: Move the BPAC exception to the end of the section to cover not only the appointment, but also during the service term.
- Eliminate the last part of I.(d) on Page 10 as follows: Boards and Commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.
- Add to I.(II)(b)(iv) on Page 11: Review and make recommendations on the applicable sections of the General Plan.

Motion was passed 7-0.

5. ACTION: Prioritization of the approved Study Issues, and overview of the Budget Issues.

The BPAC members ranked the approved study issues as follows:

Study Issue	BPAC Ranking
DPW09-01 School Transportation Demand Management Opportunities	2
DPW09-02 Update/Review Corner Vision Triangle Municipal Code Ordinance	3
DPW09-03 Suitable Bicycle Schemes for Office, Shopping Centers and Entertainment Venues	5
DPW09-04 Impacts of Traffic Calming Devices on Cyclists	4
DPW10-06 Plan Line Study to Accommodate Bicyclists and Pedestrians	1
DPW10-07 Homestead Road Bike Lane Hours of Operation Review	6

Heba El-Guendy – Clarified with regard to the Budget Issue on bike safety classes that the person or firm offering the classes can approach the City and that the classes can be offered on a cost recovery basis by charging the employees. Should the Commission's desire to have these classes to be offered for free, then the Budget Issue will be kept.

Chair Jackson – Clarified that it is important to offer the bicycle safety classes for free to encourage participation.



**DRAFT MINUTES
SUNNYVALE BOARD OF BUILDING CODE APPEALS
November 12, 2009
456 W. Olive Avenue, Sunnyvale CA 94086**

5:00 PM - Lobby Conference Room

CALL TO ORDER

Meeting was called to order at 5:10pm.

ROLL CALL

Members Present: Chair James Kim; Vice Chair David Musgrave; and Board Member Pedro Baltar

Members Absent: None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

PUBLIC HEARINGS/GENERAL BUSINESS

1. Selection of Chair and Vice-Chair

Chair Kim volunteered to continue as Chair.

Chair Musgrave volunteered to be Vice-Chair.

Both motions carried unanimously, 3-0.

2. Review draft Report to Council: Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A.-1.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions

Item reviewed with no questions or comments.

3. Review Code of Ethics

Item reviewed with no questions or comments.

4. General Plan Consolidation Process and Selection of Representative for the Advisory Committee

Board Member Baltar volunteered to be the representative for the Board of Building Code Appeals. Vice Chair Musgrave volunteered to serve as the alternate.

ADJOURNMENT

With no further business, the meeting was adjourned at 5:30 pm.



DRAFT MINUTES

SUNNYVALE BOARD OF LIBRARY TRUSTEES DECEMBER 7, 2009

The Board of Library Trustees met in regular session in Library Program Room A, 665 West Olive Avenue at 7:02 p.m. with Jim Griffith presiding.

ROLL CALL

PRESENT: Chair Jim Griffith
Vice Chair Ray Su
Boardmember Narendra Pathak
Boardmember Judi Miller (arrived at 7:10 p.m.)
Boardmember Tom Flaherty

STAFF PRESENT: Lisa G. Rosenblum, Library Director
Trudi Ryan, Planning Officer
Kathleen Franco Simmons, City Clerk

SCHEDULED PRESENTATION: None.

PUBLIC ANNOUNCEMENTS: Boardmember Pathak announced he attended the 129th Rescue Wing event at Moffett Field.

CONSENT CALENDAR:

1.A) Approval of Draft Minutes of 11/02/09

Boardmember Flaherty moved, and Boardmember Pathak seconded, approval of the consent calendar as presented. Motion carried 3-0 with Vice Chair Su abstaining due to his absence of the November 2 meeting.

CITIZENS TO BE HEARD: None.

PUBLIC HEARINGS/GENERAL BUSINESS:

2. General Plan Consolidation:

Planning Officer Trudi Ryan provided the Board with an overview of the General Plan Consolidation project. She requested a Boardmember be appointed to serve on the General Plan Consolidation Advisory Committee. Staff answered Boardmembers questions regarding the duties of the General Plan Consolidation Advisory Committee, meeting logistics, duration of project/term and purpose of consolidation.

Chair Griffith opened the public hearing and there being no public testimonies, closed the public hearing.

Chair Griffith opened nominations for a representative to serve on the committee. Boardmember Flaherty volunteered to serve on the committee. No further nominations were presented.

None

PUBLIC HEARINGS/GENERAL BUSINESS

- A. **Bylaws for all Boards and Commissions** (Revisions to Council Policy 7.2.19 Sections 1 and 2.A.-1.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions.

Ryan Kuchenig, presented the report and noted the Council Policy Manual (page 2 of Attachment A) describes the bylaws of the Heritage Preservation Commission. He also noted page 12, section (e) which explains duties of this Commission. He noted page 11 and 12, section 4, noted specifically of this Commission.

Comm. Squelatti noted page 11 stating that the Commission's decision is final, while the next section states that it may be appealed.

Mr. Kuchenig responded that the distinction depends on the type of permit.

Marie Sternberger asked the Commission about the difference between minor and major permits. Mr. Kuchenig responded.

Comm. Vaidyanathan asked about Resource Alteration Permits. Mr. Kuchenig responded that it depends on the current zoning designation of the property.

Chair Stanek asked staff, regarding page 7 and 8 of Attachment A, if there may be one personal leave during the fiscal year. She asked for clarification. Mr. Kuchenig responded.

Comm. Vaidyanathan motioned to approve the Draft RTC. **Comm. Squelatti** seconded. Motion carried 4-0.

- B. **Selection of General Plan Consolidation Advisory Committee Representative**

Mr. Kuchenig explained the memo distributed to the Commission.

Chair Stanek noted that she attended the workshops for the Community Vision.

The Commission decided to defer the nominations.

- C. **Approval/Ranking of 2010 Study Issues**

Mr. Kuchenig summarized the Heritage Preservation Commission proposed study issues for ranking. He noted that if an item is deferred for two years, it cannot be brought back up for re-nominating; however, it may be combined with another study

Chair Yezgi asked for a motion to add a non-action item to the agenda to discuss their expectations for this meeting and others going forward, related to some input she had received following a prior meeting.

Officer Isé asked the Chair to consider hearing the first general business item first so that the City Clerk could present her item and then leave. Chair Yezgi asked for a motion. Commissioner Hailu moved to add the discussion item to the agenda, but there was no second. Vice Chair Anderson moved to add the discussion to the end of the meeting and commissioner Hailu seconded. Chair Yezgi asked again that the discussion take place before continuing with the General Business portion of the agenda so that she could understand what is expected in terms of meeting length, and to better understand of how to chair the meeting.

Commissioner Hailu moved to have the discussion after the first General Business item and Vice Chair Anderson seconded the motion. Chair Yezgi amended the motion to either discuss it before item one or not at all, given the concerns expressed to her about the length of the prior meeting and the suggestion that minor, non-substantive edits be given to staff in writing rather than reviewing documents page by page during the meeting. Chair Yezgi emphasized that, in her experience, Commission's meetings have not been short, and that she allowed the meeting to evolve naturally since the Commissioners seemed comfortable, and she regretted having missed any signs that anyone was no longer comfortable.

Commissioners discussed briefly, but did not to take any action regarding this matter.

PUBLIC COMMENTS

There were no members of the public present.

PUBLIC HEARINGS/GENERAL BUSINESS

1. Discussion and Recommendation on Report to Council: Bylaws of all Boards and Commissions (Revision to Council Policy 7.2.19 Sections 1 and 2.A.-I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions.

City Clerk Franco Simmons, gave a brief presentation on the Report to Council regarding the proposed bylaws for all boards and commissions, and explained to the Commissioners what alternatives and recommendations they were being asked to consider.

She explained that the purpose of the proposed bylaws is to standardize the basic policies and procedures for all of the city's boards and commissions, and include descriptions of each board and commission's purpose.

She highlighted some of the more significant changes and important guidance that is contained in the proposed bylaws.

She also pointed out that one of the changes, suggested by Council, that would affect this commission is the proposed reduction of members from 9 to 5.

She explained that she was looking for a formal motion and vote on the changes that would affect the Commission, and any other input that they may have.

She explained the alternatives that they could consider and asked if there were any questions or comments.

Commissioners decided to go through each page of the document to ask questions and make suggested changes.

Chair Yezgi expressed a concern about reducing the number of members on the board to 5, and suggested 7 instead and explained her reasons for it.

Commissioners discussed the pros and cons of each number suggested. Clerk Franco Simmons advised that Council had suggested 5. Chair Yezgi mentioned that there are currently 4 Commissioners, and 3 new applicants are being interviewed and could be appointed soon.

Some Commissioners expressed a concern about having too many members; conversely, there was also a thought that it may be valuable to have more members to get more community input. Ultimately, they agreed to let Council decide the most appropriate number.

Chair Yezgi asked for a motion to regarding the size of the Commission.

Vice Chair Anderson moved and Commissioner Hailu seconded to recommend that the number of members appointed to the Housing and Human Services Commission be reduced to a number to be specified by Council, taking into consideration the currently pending applications.

Motion passes unanimously 4-0.

Commissioners further discussed and reviewed the revised policy and noted some clerical issues with the draft, such as in consistent use of italics, source references, etc.

Commissioners asked if they were being asked to make recommendations only on text that was proposed to be changed, or could they suggest changing any part of the document. They also asked if they could make additional suggestions at the Council meeting when this Report to Council will be considered.

Assistant City Manager Walker advised them that this was their opportunity to make any suggestions on sections 1 and 2.A. – I., and their only limitation was to avoid changing text that was directly quoted from other policy documents, such as prior resolutions.

The material changes suggested were:

1. Pages 1 and 2, "Boards and Commissions Bylaws": delete mention of the specific meeting times and locations, since that seems to be more administrative rather than a policy matter and could change over time.
2. Page 4, "Limitation of Terms": add language to allow Council to appoint a recently resigned commissioner to a different board or commission, even if their term on the initial commission has not yet expired.
3. Page 8, "Absences": add language to include maternity leave or pregnancy-related absences in the list of excused absences.

4. Page 12, (f) Housing and Human Services Commission: subsection (iv), Commissioners pointed out that there was very specific language describing what they could not do, which seemed to be unique to the Housing and Human Services Commission. They suggested deleting the whole paragraph.
5. Page 12, (f) Housing and Human Services Commission: subsection (v), add the following language at the end of the sentence, "except for those matters formally within the responsibility of other Sunnyvale boards and commissions".

Additional discussion ensued and Commissioners asked staff to clarify various parts of the document.

Chair Yezgi asked for a motion.

Commissioner Hailu moved and Vice Chair Anderson seconded to approve alternative 2: Approve revisions to Council Policy 7.2.19 with changes to attachment A to the report to incorporate bylaws for all boards and commissions, and adopt Resolution XXX-09.

Motion passed unanimously 4-0.

2. Discussion and Ranking of 2010 Study Issues and Budget Issues for City Council Workshop.

The two study issues referred to the Commission for ranking were:

1. CDD 09-07 Consider Revisions to Zoning Code for Conversions of Mobile Home Parks to Other Uses
2. CDD 09-11 Review of Housing Mitigation Fee

Officer Isé explained the study issues and budget issues process for the new Commissioners and explained that they could recommend to either rank, defer, or drop each issue. Ranking would show that the commission thinks that the issue has some importance, deferring it would show that it is important but for various reasons should be delayed until a future fiscal year, and dropping it would show that the commission didn't think that the City should spend any time or resources on it.

Officer Isé gave some background on both study issues and answered commissioners' questions.

She advised that study issue CDD 09-07 was already approved for implementation as part of the Housing Sub-Element Update, but that it had also been referred to Planning Commission and they chose to rank it just to indicate their interest in the issue.

There was a lengthy discussion on housing mitigation fees and the value of mobile home parks as affordable housing. Staff also mentioned the practicality of undertaking the study issue now, when construction activity is relatively slow and staff may have more time to complete the analysis, even if proposed fee changes or other plans resulting from that analysis are not implemented immediately.



**EXCERPT FROM DRAFT MINUTES
SUNNYVALE PARKS AND RECREATION COMMISSION
DECEMBER 9, 2009**

The Sunnyvale Parks and Recreation Commission met in regular session in City Hall Council Chambers, at 456 W. Olive Avenue, Sunnyvale, CA 94086 at 7 p.m. with Chair Colvin presiding.

CALL TO ORDER/SALUTE TO THE FLAG

Chair Colvin called the meeting to order at 7 p.m.

DRAFT

ROLL CALL

Commissioners Present: Chair Jim Colvin
Commissioner Robert Harms
Commissioner Robert Pochowski

Commissioners Absent: Vice Chair Richard Oliver
Commissioner Howard Chuck

Staff Present: Assistant to the Director Cathy Merrill

Guests Present: None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Bylaws for all Boards and Commissions (Revision to Council Policy 7.2.19 Sections 1 and 2.A. – I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions (Council Action 12/15/09)

Assistant to the Director Merrill presented the staff report. She said this report was on the Commission's November agenda; however, it was being brought back to the December meeting because corrections were needed in the report and a formal recommendation from the Commission to the Council was desired. Assistant to the Director Merrill said the report includes proposed revisions to the by-laws and related changes to Council Policy 7.2.19 for all boards and commissions. She said it was discovered after the November meeting that on page 12 of Council Policy 7.2.19, Section II, describing the specific duties of the Parks and Recreation Commission, parts ii – iv had mistakenly been omitted. She referred Commissioners to agenda item 2, revised page 12 that was included in the Commissioners' meeting packet. She indicated the final report is still scheduled to go to Council on December 15, 2009.

Commissioner Harms asked if the Senior Center is considered part of the Community Center, Ms. Merrill confirmed that it is.

Chair Colvin opened the public hearing and there being no public testimonies, closed the public hearing.

Chair Colvin stated he had two changes to Council Policy 7.2.19 that he would like to bring forward for the Commission's consideration. The first is to add a provision that would allow a Commission to select a different meeting date other than the regularly scheduled meeting date if the change was done in a timely manner and would maximize the attendance of Commissioners and staff attending the meeting. The second addition is to amend the attendance requirements to allow a Commissioner to have an excused absence of several meetings in a row provided the absence was pre-approved by the Mayor or the City Council, whichever Council felt was appropriate. Commissioner Colvin noted that allowing a Commissioner to have a series of pre-approved absences would assist to keep a

willing Commissioner on a Commission even though they may have unplanned or extenuating circumstances requiring them to miss a series of meetings on a short term basis.

Ms. Merrill suggested the Commissioner state his proposals in the form of one or more motions. Commissioner Pochowski suggested that the Commission first approve the revisions to the Council Policy as they are proposed.

MOTION: Commissioner Colvin moved and Commissioner Pochowski seconded to recommend that Council approve the revisions to Council Policy 7.2.19 to include the revisions to the Parks and Recreation Commission duties presented in the addendum to the Draft Report to the Commission (sections II through IV), and with two changes to the Board and Commission By-Laws in Attachment A to this report as follows:

- 1) Add a provision following Section 2 H. (I) Meetings to allow the Commission to select a different meeting date and time, within a week of the regularly scheduled meeting date, provided the changed date will maximize attendance of Commissioners and staff, and;
- 2) Add a provision in Section 2 H. (II) Attendance to allow a Commissioner to be excused from missing up to four (4) consecutive meetings with the prior approval of the Mayor and/ or the City Council.

VOTE: Motion passed 3-0 with Commissioners Chuck and Oliver absent.



**DRAFT MINUTES
SUNNYVALE PARKS AND RECREATION COMMISSION
NOVEMBER 11, 2009**

The Sunnyvale Parks and Recreation Commission met in regular session in City Hall Council Chambers, at 456 W. Olive Avenue, Sunnyvale, CA 94086 at 7 p.m. with Chair Colvin presiding.

CALL TO ORDER/SALUTE TO THE FLAG

Chair Colvin called the meeting to order at 7 p.m.

ROLL CALL

Commissioners Present: Chair Jim Colvin
Vice Chair Richard Oliver
Commissioner Howard Chuck
Commissioner Robert Harms
Commissioner Robert Pochowski

Commissioners Absent: None

Staff Present: Community Services Director David A. Lewis
Assistant to the Director Cathy Merrill
Parks Superintendent Scott Morton
Administrative Analyst Mike Abney

Guests Present: City Clerk Kathleen Franco-Simmons

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS – None

CONSENT CALENDAR

1.A. Approval of Draft Minutes of October 14, 2009, Commission Meeting

MOTION: Commissioner Chuck moved and Vice Chair Oliver seconded to approve Item 1.A. as presented.

VOTE: Motion passed unanimously 5-0.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS – None

PUBLIC COMMENTS - None

PUBLIC HEARINGS/GENERAL BUSINESS

2. Bylaws for all Boards and Commissions (Revision to Council Policy 7.2.19 Sections 1 and 2.A. – I.) and Adoption of Resolution Repealing any Existing Bylaws and Resolutions (Council Action 12/15/09)

City Clerk Franco-Simmons presented the staff report. She explained to the Commissioners that the new bylaws were meant to consolidate many separate documents from all the various boards and commissions into one document, while at the same time providing relevant information as to

responsibilities and procedures unique to each board and commission as applicable. City Clerk Franco-Simmons noted the bylaw changes pertaining to the Parks and Recreation Commission. She said staff is seeking the Commissioners' comments and questions, but a formal motion is not required since minutes of the Commission meeting will be included in the final report to Council.

Commissioners inquired about the reason for reducing the number of members of the Housing and Human Services Commission from nine to five.

Commissioners had no further questions. They expressed their compliments to City Clerk Franco-Simmons for such a comprehensive and clarifying document.

Chair Colvin opened the public hearing and there being no public testimonies, closed the public hearing.

3. Consider Agreement with Santa Clara County for Operation of Baylands Park and Consider Recreational Enhancements at Baylands Park (Study Issue) (Council Action 12/08/09)

Director Lewis presented the staff report and cited staff's recommendations regarding the agreement with Santa Clara County for operation of Baylands Park and consideration of recreational enhancements. He offered to take Commissioners questions regarding recreational opportunities.

Commissioner Harms asked questions about Baylands Park serving as a nature reserve.

Commissioner Pochowski noted Baylands Park potential and the public's need for additional open play fields and recreational space. He recalled an earlier suggestion to move cricket play from Ortega Park to Baylands Park. He recently visited Baylands Park and saw people playing soccer. He said the demand is there and believes Council should be asked for funding to upgrade the sports fields and consider installing artificial turf.

Chair Colvin said Baylands Park offers great opportunities for open play activities and also night activities such as astronomy. He would like solar lighting considered, including soft lighting for night use. He stated this agreement will provide opportunities for the next generation.

Director Lewis noted recreational programming that does not require any changes in the physical plan could still be provided.

Director Lewis continued with the staff report regarding the lease agreement. He noted the current long-term agreement will end in 2011; but with no action by either party, the existing agreement will continue with either party being able to terminate the agreement by giving 24 months notice to the other party.

Director Lewis highlighted the past 18-24 months that staff worked with Santa Clara County to clean up the current agreement and arrived at the proposed agreement under consideration. Provisions were removed which no longer apply, other provisions were included, and staff worked out every term of the agreement with only two items still outstanding: 1) Fire Prevention Procedure and 2) City's or County's Integrated Pest Management (IPM) Policy. The staff recommendation is to use the City's IPM Policy.

Director Lewis continued and noted other changes in provisions regarding capital improvement projects, signage, fees and revenue which came to agreement.



**NOVEMBER 16, 2009
DRAFT MINUTES
SUNNYVALE PERSONNEL BOARD**

The Personnel Board met in regular session in the West Conference Room, 456 W. Olive Avenue. The meeting was called to order at 5:02 p.m. with Judith Nickey presiding.

ROLL CALL

Present: Werner Gans, Glenn Hendricks,
Judith Nickey, Stephanie Saprai

Absent: Branden Fryer

Staff: Erwin Young, Director of Human Resources
Mindy Vargas, Recording Secretary

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1. a) Hendricks moved minutes of the June 25, 2009 special meeting be approved as submitted. Seconded by Saprai and unanimously carried.

CITIZENS TO BE HEARD

None.

GENERAL BUSINESS

1. Review Report to Council - Bylaws for Boards and Commissions: Hendricks moved to approve the addition of alternative #2 ("meetings are held only as necessary on the third Monday of each month at 5 pm in the Council Chambers at City Hall") to the Staff Recommendation portion of the draft Report to Council titled Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A.-I.) and Adoption of Resolution Repealing any Existing Bylaws and Resolutions and that Council might want to consider the Green Ribbon Committee be turned into a Board or Commission. Seconded by Saprai and unanimously carried.
2. Select General Plan Consolidation advisory committee representative and alternate: Saprai nominated Hendricks as the Personnel Board representative to the General

Plan Consolidation Advisory Committee. Seconded by Nickey and unanimously carried.

Hendricks nominated Nickey as the alternate Personnel Board representative to the General Plan Consolidation Advisory Committee. Seconded by Sellers and unanimously carried.

3. Select Chair and Vice Chair: Saprai nominated Hendricks as the Personnel Board chair. Seconded by Sellers and unanimously carried.

Saprai nominated Nickey as the Personnel Board vice chair. Seconded by Sellers and unanimously carried.

NON-AGENDA ITEMS AND COMMENTS

None.

INFORMATION ONLY ITEMS

The Board noted their review of the City Code of Ethics.

Saprai informed the Personnel Board that she would be on vacation in December and would not be able to attend the meeting.

ADJOURNMENT

Meeting adjourned at 5:20 p.m.

Respectfully submitted,

Mindy Vargas
Recording Secretary

PLANNING COMMISSION MINUTES OF NOVEMBER 23, 2009

Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A. - I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions – KFS, TR

(The Planning Commission considered this item at the November 9, 2009 meeting and comments were captured in the minutes. This item is on the agenda again to allow a formal recommendation to be made to the City Council in the form of a motion.)

Trudi Ryan, Planning Officer, explained that this item was previously discussed at the November 9, 2009 Planning Commission meeting, however no motion was made. She said it is on the agenda this evening to allow a formal action to be taken as a motion.

Comm. Rowe said she is still concerned about the recommended reduction in number of the Housing and Human Services Commissioners. She said that the duties of this Commission are very important and she is concerned that the number is being reduced to five.

Comm. McKenna confirmed with staff that both sets of minutes from the November 9, 2009 and the November 23, 2009 meeting would be provided to City Council as part of the Planning Commission recommendation.

Comm. Klein said the current style of minutes is sparse in specifics, and asked if Commission should go into more detail in the motion regarding the sections that need to be updated as the discussion is only summarized. Ms. Ryan said that the motion on the bylaws should include any specific recommendations for modification.

Comm. Hungerford referred to Attachment A, page 7, item II.f commenting that some of the Planning Commissioners are concerned about the chair being tasked with representing the official position of the commission at City Council. He said that the official position should be the vote and the discussion surrounding the vote. He suggested a possible wording change that “the chair is encouraged to attend Council meetings to discuss the action of the board or commission,” rather than tasking the chair with representing the official position of the board or commission.

Comm. McKenna commented regarding Comm. Hungerford’s statements that she likes the use of the wording “the chair may attend Council meetings for the purpose of presenting the vote”.

Chair Chang asked staff if the wording suggestions should be incorporated into the motion. **Ms. Ryan** said when a motion taken, any recommendations for any changes that seem appropriate can be included in the motion and be as general or specific as the Commission chooses. She said exact language probably would be appreciated.

Comm. McKenna referred to Attachment A, page 6, item G.I and said that she would like the selection of Chair and Vice Chair to be the first item on the agenda instead of the last.

Comm. Klein suggested that the Planning Commissioners go through the meeting minutes from the meeting of November 9, 2009 and see if there are any issues brought up at that meeting that should be reiterated in the motion tonight. Comm. Klein referred to Attachment A, page 9, G.V or the Council Policy Manual regarding ad hoc committees and said that he thinks it is very important that membership on an ad-hoc committee should not preclude membership on a board or commission or vice versa.

Comm. Klein moved to recommend to City Council Alternatives 2, 3, and 4: to approve revisions to Council Policy 7.2.19 *with changes* to Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt a Resolution; to reduce the number of members of the Board of Building Code appeals to three; to reduce the number of members of the Housing and Human Services Commission to five. Comm. Klein said the changes to Council Policy 7.2.19 are to sections: G(II.f), G.(I) and H(V). He said he would also move that staff clarify the membership appointment for the Personnel Board to be consistent with the Charter amendment. Comm. Hungerford seconded the motion.

Comm. McKenna and the Commission discussed the recommended number of the Housing and Human Services Commission. Staff clarified that the motion is to reduce the number of members to five.

Ms. Ryan clarified the recommended changes included in the motion with the maker and seconder. The sections recommended for change are: to revise the language regarding the Chair's Roles and Responsibilities G(II)(f); to revise the language regarding the Selection of the Chair and the Vice Chair G(I); and to revise the language regarding Ad-hoc Committees H(V).

Comm. Klein said clearly the Commission found problems with some of the wording in the policy. He said he thinks reducing the number of members to the Board of Building Code and Appeals to three is adequate, and reducing the number of members to the Housing and Human Services Commission to five is adequate as this Commission has had difficulty meeting a quorum and acquiring enough applicants for the Commission.

Comm. Hungerford clarified that the changes to be included in the motion are: G(I) - that the selection of the Chair and Vice Chair shall be the first item on the agenda instead of the last; G(II)(f) – Board and commission chairs *may* attend Council meetings *for the purpose* of discussing the action of the Board or Commission.; H(V) – sentences be added that membership on a board or

commission does not preclude service on an ad hoc committee and being on an ad hoc committee does not preclude service on a board or commission.

Comm. Sulser said he agrees with most of the motion, however he does not think the number of members on the Housing and Human Services Commission should be reduced to five. He said that he thinks seven is the more appropriate number. He said that he feels the difficulty on securing enough members for a quorum on the Housing and Human Services Commission is a fluke and he would recommend that the Council stay with seven Commissioners on this Commission.

Comm. Rowe said she agrees with Comm. Sulser. She said she was suggesting that the numbers be flexible to allow up to seven members.

Chair Chang said he would be supporting the motion. He said he has the same concerns about reducing the Housing and Human Services Commission numbers, yet there has been the problem of reaching a quorum, so reducing the number to five should help with the quorum problem.

ACTION: Comm. Klein made a motion to recommend to City Council Alternatives 2, 3, and 4: to approve revisions to Council Policy 7.2.19 *with changes* to Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt a Resolution; to reduce the number of members of the Board of Building Code appeals to three; to reduce the number of members of the Housing and Human Services Commission to five. The changes are to modify Council Policy 7.2.19: G(I) that the selection of the Chair and Vice Chair shall be the *first* item on the agenda instead of the last; G(II)(f) that board and commission chairs *may* attend Council meetings (or to appoint an alternate on either a case by case or long-term basis) *for the purpose of discussing the action of the Board or Commission*; and H(V) to include language that membership on a board or commission does not preclude service on an ad-hoc committee and membership on an ad-hoc committee does not preclude service on a board or commission. Comm. Hungerford seconded. Motion carried, 6-1, with Comm. Sulser dissenting.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the December 15, 2009 Council meeting.

PLANNING COMMISSION MINUTES OF NOVEMBER 9, 2009

Bylaws for all Boards and Commissions (Revisions to council Policy 7.2.19 Sections 1 and 2.A.-I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions – KFS, TR

Kathleen Franco Simmons, City Clerk, presented the staff report.

Comm. Rowe discussed with Ms. Franco Simmons that the Board of Building Code Appeals is a five member board with only three members appointed at this time. Comm. Rowe discussed with Ms. Franco Simmons the number of Housing and Human Services Commission members and said she would like to see the recommendation to reduce the number of members from nine to five, to be flexible enough to add more commissioners if needed. Comm. Rowe commented that the information on page 7 and page 16 of Attachment A regarding the discipline of board and commission members is confusing and she would like to see these items clarified. **Trudi Ryan**, Planning Officer said that the two areas give the authority to discipline to the chair or the mayor. Ms. Franco Simmons commented that this is not one of the areas being proposed for changes. Comm. Rowe referred to page 17 of Attachment A regarding the City Manager having the authority to implement any administrative policies regarding boards and commissions confirming with staff that this is not an item being proposed for change.

Comm. McKenna discussed the recommended alternatives with staff. She referred to page 5 of Attachment A regarding the Personnel Board exceptions. She said she believes the City Charter was changed in 2007 and that the language should include that of the five member board, if the employees do not elect two members, that those members could be appointed by Council. Comm. McKenna said she thinks the 2007 change is missing from the document and recommended that the language be consistent with the City Charter change.

Comm. Klein discussed with staff how often the Housing and Human Services Commission meets. Comm. Klein referred to page 6 of Attachment A and confirmed with staff that the Planning Commission traditionally selects the chair at the beginning of the first meeting in July and asked that language be added to allow the flexibility for the Planning Commission to select the chair in the beginning of the meeting. Comm. Klein referred to page 9 of Attachment A regarding ad hoc committees and said that the language is not clear that commission members can serve on both a commission and an ad hoc committee.

Comm. Hungerford further discussed the selection process of the chair and vice chair with Ms. Franco Simmons clarifying that there is a one page sheet provided to the Boards and Commissions from the City Clerk's office outlining the selection process for the chair and vice chair. Comm. Hungerford referred to page 7 of Attachment A regarding the

chair's roles and responsibilities and attendance of Council meetings. He said there has been a lot of discussion with differing views on this subject. Ms. Franco Simmons said the section about the chair's attendance at Council meetings was moved from the Administrative Policy to the Council Policy and no text change explaining that the Administrative Policy is developed through the City Manager's office. Ms. Ryan added that the Administrative Policy affects staff, that Council Policy could affect staff and Boards and Commissions that are appointed by Council, and that this is an opportunity to place this item in a more appropriate location in policy. Comm. Hungerford commented that he is uncomfortable with the chair or vice chair representing the commission's position at a Council meeting as it is difficult to convey the entire discussion and that he thinks the minutes and motion should speak for the commission. Ms. Franco Simmons said that the language of the text being moved from the Administrative Policy to the Council Policy has not changed and said that page 14 of Attachment A has provisions for commissioners to express minority views.

Comm. Rowe pointed out a grammatical correction to a portion of the text. Comm. Rowe said that when she was chair that she was called several times by council members requesting greater detail on a Planning Commission decisions as the minutes did not contain great detail. She said by having the council members call in advance she could be prepared to provide appropriate information at the Council meeting. She said she has the same reservations as Comm. Hungerford on this issue. Comm. Rowe had staff provide clarification about Personnel Board and the Planning Commission information in the report.

Comm. McKenna said she thinks that Comm. Hungerford raised an important issue about the importance of relying on the minutes and the motion and said that she would associate herself with his remarks. She said she would also like to associate herself with Comm. Klein's comments regarding the selection of the chair are the beginning of the meeting and said she would like the selection at the beginning of the meeting as long as that action is not in conflict with City policy that commissions should have this option.

Comm. Rowe expressed her concern about the minutes being more truncated than they used to be and said that it is important that the Council has a way to be provided with more detail by the attendance of chairs at Council meetings. She said the issue of attendance, however not at necessarily every meeting, needs to be addressed.

Vice Chair Travis opened the public hearing.

Vice Chair Travis closed the public hearing.

Ms. Ryan said no further action is required and the comments will be forwarded to City Council in the form of minutes and possibly as additions to the Council report.