



**Council Meeting: July 9, 2013**

**SUBJECT: Discussion and Possible Action to Create a Ballot Measure Regarding Personnel Board Eligibility Requirements for the November 5, 2013 General Election**

**BACKGROUND**

The recent recruitment of board and commission members has raised questions regarding whether or not current Charter language governing the eligibility of Personnel Board applicants serves the City's best interests--specifically, whether it is reasonable to preclude any or all of the following as applicants (current policy precludes them all):

- a) those holding public office or employment (regardless of where office or employment is held)
- b) candidates for any other public office or position, and
- c) former City employees

This agenda item allows for related Council discussion and possible action.

**EXISTING POLICY**

City Charter, Article X, Section 1007. Personnel Board.

"To be eligible for appointment, each appointee shall neither hold public office or employment, nor be a candidate for any other public office or position, nor be a former City employee."

Applicants for all other Charter boards and commissions are precluded only from holding any paid office or employment in the City government.

**DISCUSSION**

There are pros and cons associated with the current Charter eligibility requirements for Personnel Board members. Staff believes the distinction between those requirements for the Personnel Board and all other Charter boards and commissions was intentional, and that there were good reasons for creating that distinction at the time the language was created. As examples, Personnel Board members have to sit as judges when they hear appeals regarding discipline. There may be a bias or appearance of bias if the person works for another public agency but is in the same union as the disciplined

employee. There may be instances where because of the other public employment, the commissioner and employee may know each other through professional associations. While deadlines associated with the election process do not allow sufficient time for staff to include a detailed analysis, this agenda item will allow for a thorough discussion of those issues amongst Councilmembers.

**FISCAL IMPACT**

The registrar of voters has estimated that each ballot measure pursued for the November 5, 2013 election will likely cost the City approximately \$43,000.

**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.

**ALTERNATIVES**

1. Create ballot measure language for Council's consideration on July 23, 2013, in anticipation of possible inclusion on the November 5 General Election ballot.
2. Take no further action.

**RECOMMENDATION**

Staff makes no recommendation.

Prepared by:

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Approved by:

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City Manager