

**MASTER WORK PLAN
BOARDS AND COMMISSIONS CALENDAR**

Board or Commission	BICYCLE AND PEDESTRIAN ADVISORY COMMISSION
Calendar Year	2009
List all significant agenda items below. Include all pertinent items from the Council Study Issues Calendar.	
MEETING DATE	AGENDA ITEM/ISSUE
January 15	<ul style="list-style-type: none"> - 2009 BPAC Calendar - Update on VTA BPAC's Efforts and Ongoing Regional Projects - Annual Review of the Code of Ethics and Conduct for Elected and Appointed Officials, Draft RTC for consideration by City Council on February 3rd, 2009 - Update on Ongoing City Efforts in Applying for Grant Funds for Bicycle and Pedestrian Related Policies and Projects - Brochure on "Distractions in Everyday Driving" Produced by the AAA Foundation for Traffic Safety (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List (Information item)
February 19	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Bike to Work Day Planning - Utility Bill Stuffer Concepts - Update on the Earth Week and Health and Safety Fair Events (Information item) - Brochure on Bicycle & Pedestrian Safety for Parents and Youth (Information item) - FY 2009/10 Curb Ramp Installation List (Information item) - FY 2009/10 Road Resurfacing List (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)
March 19	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Review Ordinance 2871-08 of the Sunnyvale Municipal Code Amending Section 10.16.030 of Chapter 16 (Parking Regulations) of Title 10 (Vehicles and Traffic) - High Speed Rail Project – Council Study Session on March 24, 2009 (Information item) - Annual Volunteer Recognition and Boards and Commission Reception (Information item) - City Staff Training on Environmental Sustainability – Commute Solutions Workshop (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)

MEETING DATE	AGENDA ITEM/ISSUE
April 16	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Discussion with a Representative of the Water District Regarding the East and West Channels within Sunnyvale, and the Planned City Trails - Draft RTC - Annual Transportation Development Act Allocation (for a sidewalk construction project abutting Cupertino Middle School) and a Bicycle Expenditure Plan Allocation (for bike lanes design study on Mary Avenue south of Evelyn Avenue) - Draft RTC - Ordinance Amending Sections of Chapter 10.56 of the Municipal Code Pertaining to Bicycles in Order to Conform to the California's Vehicle Code - Draft Utility Bill Stuffer - Grand Opening Ceremony of the Borregas Pedestrian/Bicycle Bridges (Information item) - Bike to Work Day Update(Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)
May 21	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Draft RTC - Ordinance Amending Sections of Chapter 10.56 of the Municipal Code Pertaining to Bicycles in Order to Conform to the California's Vehicle Code - Review of the Detailed Two-Year Capital Budget - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)
June 18	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Review Ordinance 2871-08 of the Sunnyvale Municipal Code Amending Section 10.16.030 of Chapter 16 (Parking Regulations) of Title 10 (Vehicles and Traffic) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)
July 16	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Annual Review of the Boards and Commissions Council Policy - Study and Budget Issues Development - Ongoing staff work on the LUTE update (Information item) - New bike lanes (Information item) - Handbook for the City of Sunnyvale Boards and Commissions (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item) - Election of Officers (This is an Action item to be addressed at the end of the meeting)
August 20	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Review Ordinance 2871-08 of the Sunnyvale Municipal Code Amending Section 10.16.030 of Chapter 16 of Title 10 – Draft RTC and amended ordinance. - New pavement markings for shared bicycle-vehicle lanes - Briefing on the Stevens Creek Trail Joint Cities Working Group meeting held on August 5th (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)

MEETING DATE	AGENDA ITEM/ISSUE
September 17	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Study and Budget Issues Finalization - Cost Saving Actions/Budget Cuts of PW Department (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List Update (Information item)
October 15	Cancelled
November 19	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Stevens Creek Trail Extension Policy Formation - Selection of the BPAC Representative on the General Plan Advisory Committee - Bylaws for all Boards and Commissions and Adoption of Resolution Repealing any Existing Bylaws and Resolutions – Draft RTC - Ranking of Study Issues and Review of Budget Issues - New bike lanes on Mary Avenue (Information item) - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List (Information item)
December 17	<ul style="list-style-type: none"> - Updated 2009 BPAC Calendar - Sunnyvale Works Program (Staff presentation/briefing) - 2010 Work Plan - BPAC E-mail Messages and/or Letters (Information item) - BPAC Active Items List (Information item)

Stevens Creek Trail Extension Policy

The Stevens Creek Trail Council Sub-Committee will attend the meeting to seek input of the BPAC members on the formation of the Stevens Creek Trail policy.

BPAC Representative on the General Plan Advisory Committee

This is an Action item to select a BPAC representative and an alternate on the General Plan Advisory Committee. Attached is a memorandum prepared by the City's Planning Official describing the Council's decision to consolidate the City's General Plan, as well as to form a project Advisory Committee made up of representatives of Council, Boards and Commissions. Also attached is a copy of the staff's report on the General Plan Consolidation initiative which was considered by Council on October 20, 2009.



DATE: November 03, 2009
TO: City of Sunnyvale Boards and Commissions
FROM: Trudi Ryan, Planning Officer
SUBJECT: General Plan Consolidation

On October 20, 2009, the City Council approved a staff recommendation to reformat the General Plan. The project, called the General Plan Consolidation (GPC), will result in a single-document general plan (vs. the current 22 document format). As part of this effort, Council also approved an advisory committee made up of one representative of each board and commission (2 from Planning Commission). The advisory committee will also include 2 City Council members, chosen after the seating of the new City Council in January, 2010.

The GPC Advisory Committee will work with a staff technical committee to decide on the organization, look and feel of the new GP document. For the most part, this effort will use the structure of the Community Vision document and consolidate the current policies. It is not intended to update the general plan elements.

During the months of November and December 2009 each board and commission should select their representative to the advisory committee (and an alternate). Representatives should be available for 4-5 meetings over the next year, and for a few hours preparation prior to each meeting. Commissioners whose term expires are still eligible to serve on the committee. Representatives should keep their respective board or commission updated on the process of the project.

This is a very exciting project for Sunnyvale. Staff looks forward to working with the community on this effort. A link to the Report to Council on the General Plan Consolidation is listed below:

<http://sunnyvale.ca.gov/NR/rdonlyres/B14A0B44-C48D-4843-90CE-6F09450D104E/0/09270.pdf>

**Council Meeting: October 20, 2009****SUBJECT: 2009-0799 – General Plan Consolidation****REPORT IN BRIEF**

Staff recommends that the City Council authorize the consolidation of the General Plan from a 22 document plan into a single-document plan. The purpose of the consolidation is to achieve a General Plan that is more user-friendly, less subject to inconsistencies due to preparation over time, reduce costs to the city and increase community participation in long-range planning efforts. Staff also recommends that the Council approve an Advisory Committee made up of a cross section of community interests. To accomplish this cross section staff recommends that Boards and Commissions as well as the City Council select the appropriate number of members to serve on an advisory committee.

BACKGROUND**History of the Sunnyvale General Plan**

In the early 1980s the City adopted a multi-document format for the General Plan. This format was desired to support an integrated system of city management that connected the various functions of the city government including long term planning (General Plan) and budget. This concept was part of the Planning and Management System (PAMS). The original idea was to prepare 29 documents (covering all of the city's services) within a 5-year period and to update four or five Sub-elements annually; however due to other demands on city resources this pace was never realized. In fact, the final sub-element to be prepared from the original list, the "Solid Waste Sub-element," was not completed until 1996. Over time the Council has added topics, combined topics and deleted topics resulting in the current 22 document format.

A key feature of the General Plan is that it goes well beyond the State of California requirement to plan for the physical growth of the community. It is intended to provide a clear linkage between long-range plans for services and activities and the long-term financial plan. The Action Statements of the early General Plan documents translated into budgeting and programming.

In the 30 years of PAMS many changes have been made in the format of the City's budget and the organization of departments and in the format of the

General Plan documents. In addition, state and regional requirements for resource management and general plan content have changed.

Status of the Sunnyvale General Plan

The oldest document of the General Plan, the Support Services Sub-element (which is part of the Public Safety Element) was adopted in 1988. It and twelve other documents are more than 10 years old. Although the General Plan is posted on the city's website, the documents total over 2200 pages, and if one wished to purchase all 22 documents it would cost over \$400. Staff finds that while there is an abundance of information on the community and it is rich with policy, the Sunnyvale General Plan is unwieldy and not user friendly. Each of the general plan documents include much of the same background information and many of the policies are repeated in several documents. Action statements became activities within operating budgets. As budgets were modified the intended direct link to the general plan was lost.

In May 2007 the City adopted the Community Vision, which now serves as the overarching element of the General Plan, upon which each of the functional elements and sub-elements will be based. The functional elements are the remaining documents/topics of the General Plan. The Community Vision was a direct product of an extensive community visioning process, and reflects the desires and aspirations of Sunnyvale residents and businesses regarding the future of their city. Staff noted that the Community Vision will simplify revision of the General Plan elements and sub-elements for many years into the future. The concept is that each of the "functional" elements will be able to utilize the background and vision information to simplify the preparation and update of the functional elements.

Since the adoption of the Community Vision, staff has explored ways to simplify the update to the General Plan and to continue to engage the community in long-term planning. The concept of a single-document format (a comprehensive general plan) was discussed on October 6, 2009 at a City Council/Planning Commission Joint Study Session. The study session covered an overview of the concepts and rationale behind General Plan Consolidation (see Study Session Summary, Attachment A).

EXISTING POLICY

7.3 Legislative Management Sub-element of the General Plan

GOAL A: Assess community conditions and make appropriate changes to long-range, mid-range and short-range plans.

Policy A.1 Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize

the Council Study Calendar as the City's principal short-range planning tool.

Policy A.2 Establish advisory committees and boards and commissions as necessary to assist Council in planning and policy development.

California Government Code

General Plans

§65300 Plan required

Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning. Chartered cities shall adopt general plans which contain the mandatory elements specified in Section 65302.

§65351 Public involvement

During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate.

DISCUSSION

The multi-document format for the Sunnyvale General Plan was an important step in establishing long term plans for city services. These plans help staff provide services and help staff, boards/commissions and the City Council in evaluating policy. It has been increasingly difficult to maintain the multi-document format for the general plan and many of the documents are over 10 years old. While the State of California allows General Plans to exceed the minimum requirements, there are also expectations that general plans are up to date, internally consistent and accessible to the public. Staff is particularly concerned that the documents are not up to date and are difficult to use.

General Plan Consolidation

Staff is recommending that the General Plan be consolidated into a single-document. Consolidation would be tiered off the Community Vision of the General Plan and would be the first step in creating a Comprehensive General Plan. Staff sees the merits of a single-document general plan as:

- **Clear vision and direction**

All General Plan policy information would be available in one place, tiering from the Community Vision.

- **User-friendly**

A single-document, fully integrated, general plan will allow the public to better understand city policy.

- **Publicly accessible**
A compact document is more readily available to the public and less costly. Current advances in technology will allow on-line versions that provide more options in accessing information.
- **Efficient update process**
A single update can occur every 10 years (more often for the housing element as required by state law), saving staff time and other city resources.
- **Effective policy tool**
The size and organization of the general plan can affect access and understanding of city policy.
- **Timely and current**
The consolidation and integration of policy into the Community Vision format will simplify the update process. After integration the update process is more efficient, and all topics can be updated at the same time, at ten year intervals.
- **Comprehensive**
The current General Plan is comprehensive. The new format would still be comprehensive, although some policies may be reserved for other formats and not part of the General Plan.
- **Integrated and internally consistent**
A 22-document format presents additional challenges in maintaining consistency, and also in integrating policies and implementation.

At the joint study session on October 6, 2009 City Council and Planning Commission members raised concerns with the loss of words in a new format, especially with the use of more graphics. The final goals and policies should be written in plain language with sufficient substance to fully convey the meaning. Any graphics will be there to supplement the text of the general plan (and not vice versa).

Attachment B includes a list of general plans that are judged to be user friendly, easy to read, and provide good guidance for decision making. Several of these documents are not available in paper format.

Participation in the General Plan Consolidation Effort

The California Government Code requires that General Plan preparation include opportunities for the public to be involved. The consolidation effort should involve staff and the public. Staff is recommending a staff working committee and an advisory committee as well as general public outreach. Although it is not required staff recommends that meetings be posted in accordance with the Brown Act.

Staff Technical Task Force

The staff technical task force would take the first efforts at sorting through existing goals, policies and action statements, meet with the advisory committee, and follow up with recommendations of the advisory committee. Staff members would be selected by the City Manager.

Advisory Committee

The Advisory Committee will help select desirable substance and organization of the general plan. The committee will also assist in identifying the “look and feel” for a single-document general plan (both printed and on-line versions). Boards and Commissions are a good choice to assist in this effort because they represent a good cross section of community interests. These citizens have demonstrated an interest in the policy setting and long-range planning efforts of the City. Large committees can be difficult to manage, therefore staff is suggesting that boards and commissions represent a cross-section of policy interests in the community.

The representatives would need to attend about four advisory committee meetings. Materials would be provided to the committee members in advance of the meeting to provide some time for review before committee discussion. Meetings would be open to the public and the agenda will allow time for public comments. Advisory committee representatives would be responsible for informing their respective board on the progress of the consolidation efforts.

At the October 6, 2009 study session questions were raised about how to approach selection of a representative when board and commission membership may expire, yet a member is interested in this effort. Several suggestions were provided

1. Only select members whose terms will not expire
2. Select an alternate to carry on should selected representative not be able to continue
3. Allow the selected representative to serve even if his/her term expires

There was also comment about City Council participation in the advisory committee. No questions were posed at the study session on how this might be structured. Options include:

1. No Council representation on the advisory committee
2. Select one or two council members to participate
 - a. Make selection at the October 20, 2009 meeting
 - b. Defer selection of Councilmember until January

Community Outreach

To fully engage the community, staff proposes workshops with the larger community, including residents, businesses, and other agencies. Initially, the outreach efforts will be coordinated with two workshops that have already been

scheduled for input on the Land Use and Transportation Element and Climate Action Plan. Additional workshops to gain public comments will be held once the committee has developed a draft recommendation. These workshops will be held at different locations in the city to encourage maximum participation. Staff will also actively outreach to interested organizations to gain further input. Progress information will be available on-line and the options for feedback to staff and the committee will be provided. In addition, periodic updates would be provided to Boards, Commissions and the City Council.

Affect on Study Issue Process

Councilmembers expressed concerns that the consolidation and maintenance of a general plan could affect the Study Issue Process. The concerns are that this effort is outside the study issue process and that staff time for this effort would take away from time that would otherwise be spent on study issues.

Staff time for Initial Consolidation

Councilmembers raised a concern that this request is coming mid-cycle of the study issue process and may set a poor precedent. Staff believes that the timing for making this decision is important so that the effort can be coordinated with the Land Use and Transportation Element update. Time that staff may have devoted to other general plan updates this coming year would be devoted to the consolidation. Council has already decided that General Plan updates would be initiated by the City Manager, outside of the study issue process.

Staff time and costs to update General Plan

Another concern is that while working on the 10-year update to a comprehensive general plan there would be less staff time available for study issues. Overall, staff anticipates that more study issues will be possible with a single-document general plan. For example, as currently structured staff members from the Planning division are continually assisting in the preparation and processing of general plan documents; this detracts from time available for working on other study issues (i.e. about 100 hours per general plan document—an average of 150 hours per year the last few years). For the lead departments an average of 500 hours (sometimes as consultant hours) is needed to update an element or sub-element. While during the actual time of the general plan update, there may be less time available to work on study issues, the overall affect is more time for policy studies. The costs to reproduce the general plan will also be reduced.

General Plan Amendments (between comprehensive updates)

At the joint study session there was also a question about the ability to amend the General Plan between updates. Just as the City currently accepts applications to amend the land use map, or initiates policy studies that could result in amendment of the General Plan, the new format would still enable

various levels of amendments to be considered. The benefit of a consolidated General Plan is that incremental or periodic plan amendments affecting related policies in multiple elements can be done more efficiently to maximize internal consistency. The housing element law requires updates every eight years; the new format would need to consider how best to accommodate this more major revision.

FISCAL IMPACT

Staff time for the consolidation of the general plan would be covered by existing operating budgets. Future updates to the general plan would also be covered by operating budgets, with technical assistance paid for out of special projects. The same level of technical assistance may be needed, but there are potential savings if they are managed under a single contract. The city currently budgets about \$10,000 per year for copying drafts and printing final general plan documents. Over ten years \$100,000 is required; this amount would be substantially less with a single-document format for the general plan. There would also be a savings with a single document comprehensive general plan, on environmental review, documentation and filing fees.

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. Authorize the consolidation of the General Plan into a single document with assistance from an advisory committee consisting of representatives from Boards/Commissions and City Council (two Planning Commissioners, one Board/Commission member for other 8 boards/commissions and two City Councilmembers).
 - a. Boards/Commissions will nominate and select from their current members in November/December, based on members' interest and availability over the next 18 months. Allow member to continue to serve on the General Plan Consolidation Advisory Committee even if their term expires. Each Board and Commission should also select an Alternate;
 - b. City Council will select their representatives in January 2010 after the seating of new Councilmembers and selection of Mayor and Vice Mayor.
2. Authorize the consolidation of the General Plan into a single document with assistance from an advisory committee with

modifications to the representations or selection criteria described in Alternative 1.

3. Do not authorize the consolidation of the General Plan into a single document.

RECOMMENDATION

Staff recommends Alternative 1.

Reviewed by:

Hanson Hom, Director, Community Development
Prepared by: Trudi Ryan, Planning Officer

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Summary of Joint City Council and Planning Commission Study Session, October 6, 2009
- B. Examples Single-document General Plans

CITY OF SUNNYVALE
Joint City Council and Planning Commission Study Session
Summary
Consolidated General Plan
October 6, 2009

The City Council met in joint study session with the Planning Commission at City Hall in the West Conference Room, Sunnyvale, California on October 6, 2009, with Vice Mayor Moylan presiding.

City Councilmembers Present:

Mayor Anthony Spitaleri
Vice Mayor Christopher Moylan
Councilmember John Howe
Councilmember Ron Swegles
Councilmember Melinda Hamilton
Councilmember David Whittum
Councilmember Dean Chu

City Councilmembers Absent:

None

Planning Commissioners Present:

Nick Travis, Vice Chair
Chuck Hungerford
Larry Klein
Brandon Sulser

Planning Commissioners Absent:

Bo Chang, Chair
Dianne McKenna
Harriet Rowe

City Staff Present:

City Manager Gary Luebbers
City Attorney David Kahn
Assistant City Manager Robert Walker
Director of Community Development Hanson Hom
Director of Finance Mary Bradley
Director of Public Works Marvin Rose
Planning Officer Trudi Ryan
Assistant to the City Manager Coryn Campbell

Visitors/Guests Present:

Approximately nine members of the public

Call to Order: 5:30 p.m.

Study Session Summary:

Community Development Director Hanson Hom made a presentation on a new approach to the General Plan, consolidating it into one document. City Councilmembers and Planning Commissioners commented or asked questions. Topics included:

- How specific topics might fit into the new format
- Importance of timely updates and public input
- What happens to policy not in the General Plan
- Relationship to Community Vision, Climate Action Plan and Land Use and Transportation Element
- Level of effort and schedule to update
- How it will be made more user-friendly
- Affects on the Study Issues
- Affects on staff and other resources
- Relationship to other cities' general plans
- City Council participation
- Assurance that policy is clear and well documented and no loss of direction
- How reader will be able to move between related items
- Potential loss of community engagement in long term planning
- Terms of board/commission members and membership on advisory committee
- Participation of full boards/commissions and the general public
- Organization, indexing and web accessibility
- Historical overview and context
- Ability to amend the General Plan between update cycles

Adjournment: 6:45 p.m.

Respectfully submitted,
Trudi Ryan, Planning Officer

Examples of Comprehensive General Plans

1. City of San Leandro (2002)
<http://www.ci.san-leandro.ca.us/CDGenPlan.asp>
2. City of Rancho Cordova (2006)
<http://www.cityofranhocordova.org/Index.aspx?page=104#a1>
3. City of Riverside (2007)
<http://www.riversideca.gov/planning/2008-0909/>
4. City of Lincoln (2008)
<http://www.ci.lincoln.ca.us/generalplans/>
5. City of Sacramento (2009)
<http://www.sacgp.org/>

**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**

Enclosed is the Draft Staff Report to Council (RTC) on the Subject matter. Lisa Natusch, Deputy City Clerk, will present the RTC at the BPAC meeting. Jack Witthaus, Transportation and Traffic Division Manager, will also be present to respond to questions. The RTC is scheduled for Council consideration on December 15, 2009.



**Draft for Review by All Boards and
Commissions in November and December 2009**

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 – 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 – Unapproved bylaws

Parks and Recreation Commission – 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. Four applications were received for the nine vacancies during the summer recruitment process, and the HHSC was the second preference for two of the four applicants. There are currently four members on this commission, with five 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 has been 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.

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 will incorporate standard bylaws for all boards and commissions to clarify consistent general duties and specific duties for all boards and commissions.

The proposed changes will 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 will provide a greater potential for a highly-skilled and qualified membership to assemble on the rare occasion the board needs to meet.

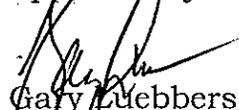
By reducing the number of Housing and Human Services Commission members to five, the number of members is more consistent with the size of other boards and commissions, and there is a greater potential to keep the commission at full membership.

Reviewed by:



Robert Walker, Assistant City Manager
Prepared by Lisa Natusch, Deputy City Clerk

Approved by:



Gary Ruebbers
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

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 five-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 ~~nine-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 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)(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)(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) ~~(A)~~—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:

(H)(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)

(H)(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) *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:

~~(H)~~(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*

~~(H)~~(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.

B. Chairperson'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.~~

C. 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.~~

G.(III) Quorums

Boards and commissions have a quorum when 51% 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. (*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.

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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

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.

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- iii Review and make recommendations regarding agreements with arts-related outside groups and recommend funding allocations.
 - iv 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*.
 - v Study the regional and state Arts Master Plans and make recommendations to the City Council.

- (b) Bicycle and Pedestrian Advisory Commission
 - i Recommend priorities for bicycle and pedestrian projects for the annual TDA Article 3 funding application cycle.
 - ii Participate in periodic review and revision of the Bicycle Plan and Map.
 - iii Review and make recommendations on changes to the Sunnyvale Municipal Code related to bicycles and pedestrians.
 - iv Review and make recommendations on Federal, State and regional policy proposals related to bicycles and pedestrians.
 - v Develop recommendation s on promotion of bicycling and walking as viable, sustainable means of transport.

- (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. (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 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. (Source: City Charter Section 1008)
 - ii Final decision-making authority on appeals of staff decisions of minor landmark and resources alteration permits. (Source: City Charter Section 1008)
 - iii 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). (Source: City Charter Section 1008)

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- iv Recommendation to the City Council on Heritage Housing and other heritage zoning districts. (Source: City Charter Section 1008)
- v Participation in the development and promotion of museums and City archives. (Source: City Charter Section 1008)

(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 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

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(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)

(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

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~~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 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 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)*

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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. (*Community Participation Sub-Element 7.2C.5(a)*)

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) **Consult your board/commission chair** (If you are the chair, proceed to Step 2).
- ~~2.~~(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) 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) 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) 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) 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.

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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. 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. 11. 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

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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.

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

