City of Sunnyvale
Department of Community Services

ARTS COMMISSION
PARKS AND RECREATION COMMISSION

ELECTING THE CHAIR AND VICE-CHAIR

OPEN NOMINATIONS

1. **Presiding Officer opens the floor for nominations for the office of the Chair for the coming fiscal year.**
   - Any member may nominate any member, including oneself.
   - No second is required.
   - The person nominated should accept or decline the nomination.
   - After the first nomination, the Presiding Officer keeps the floor open for additional nominations (if any).
   - The persons nominated may speak to their goals if they choose.

CLOSE NOMINATIONS

2. **Once all nominations have been received, the Presiding Officer declares nominations for Chair closed.**

VOTE

3. **Nominations are voted upon in the order taken.**
   - The nomination with the majority of "yes" votes holds and the new Chair is elected.

4. **The person just elected assumes the Chair.**

5. **The same process is repeated for the Vice-Chair.**

Public Hearing Item 4

REPORT TO MAYOR AND COUNCIL **NO: 10-**

Draft for Arts Commission Review on July 21, 2010

Council Meeting: August 24, 2010

SUBJECT: Approval of Revised Council Policy 7.2.19, ***Boards and Commissions***

DISCUSSION

This report addresses two proposed revisions to Council Policy 7.2.19, *Boards and Commissions*:

Sustainability Commission

On May 11, 2010, Council established a Sustainability Commission per Resolution No. 430-10. This action triggers a revision to board and commission bylaws included in Council Policy 7.2.19, *Boards and Commissions*. The revised policy (Attachment A) includes language from the resolution regarding eligibility and membership and proposed specific duties for the commission.

Arts Commission

Additional proposed revisions to Council Policy 7.2.19 address Council's interest in considering revision to the membership requirements for the Arts Commission to reflect representation of various forms of art. (See Section 2. B. (IV) on page 4 of Attachment A.)

The Arts Commission met on July 21, 2010 and recommends…

Pursuant to Council Policy 7.2.19, a Council subcommittee reviews all proposed bylaw revisions before consideration for action by the full Council.

EXISTING POLICY

Council Policy 7.2.19, *Boards and Commissions*

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale 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. Approve the policy revisions as presented.
2. Approve the policy with revisions.
3. Other direction as provided by Council.

RECOMMENDATION

Staff recommends Alternative 1: Approve the policy revisions as presented.

Revisions to the Council Policy 7.2.19 regarding the Sustainability Commission address Council's action on May 11, 2010.

Revisions to Council Policy 7.2.19 regarding the Arts Commission membership requirements acknowledge Council's interest in representation of various forms of art on the commission but also the recruitment challenges that arise when membership requirements are constrained.

Reviewed by:

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

Reviewed by:

Marvin Rose, Director of Public Works

Approved by:

Gary M. Luebbers
City Manager

Attachments

Attachment A: Proposed Revisions to Council Policy 7.2.19, *Boards and Commissions*

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 2.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. BOARD AND COMMISSION BYLAWS

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

(I) Arts Commission: 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: 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: 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.

(IV) Board of Library Trustees: 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: 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: This seven-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: 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: 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: 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.

(X) Sustainability Commission: This five-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to environmental sustainability issues primarily derived from the Climate Action Plan (CAP) and General Plan. Meetings are held bi-monthly beginning in January on the third Monday of each month at 7 p.m. in the West Conference Room at City Hall. If the third Monday is a City observed holiday, the meeting will be held on the third Tuesday of the month at 7 p.m. in the West Conference Room.

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.

(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.

(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.

(a) Exception:

Members of the Board of Building Code Appeals may serve on another board or commission at the same time.

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

(a) 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)*

(b) 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. *(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*.

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)*

(c) 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)*

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

(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. The Arts Commission shall include at least two members with a background in visual arts and at least two members with a background in performing arts. ~~Strong consideration shall be given to applicants with a background in the arts.~~

(b) Bicycle and Pedestrian Advisory Commission

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

i. 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. 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.

(c) 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.

(d) Sustainability Commission

The Sustainability Commission shall include at least one member of the business community that is a registered voter in the City of Sunnyvale and the remaining membership shall be open to Sunnyvale registered voters, Sunnyvale business license holders or a designated representative of Sunnyvale businesses with 200 or more employees.

(V) **Limitation on Terms**

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission.

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.

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. 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.

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

(I) **Exception:**

(a) 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.

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." *(Source: City Charter Section 910)*

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.

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.

(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 subject to appeal to the City Council.
(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.

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) 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.

(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 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:

i A death in the family,
ii Personal illness,
iii Board or commission-related business,
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)
v Emergency, or
vi Decision by member's supervisor in employment or required military service.

(III) **Quorums**

Boards and commissions have a quorum when a majority 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.

(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) **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

i 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.

ii Review and make recommendations on the Arts Sub-Element of the General Plan.

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 recommendations on promotion of bicycling and walking as viable, sustainable means of transport.
vi Review and make recommendations on the applicable sections of the General Plan.

(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 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)*

(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.

(j) Sustainability Commission

i. Advise Council on policy issues addressing sustainability issues.

ii. Advise Council regarding goals and policies for setting Greenhouse Gas (GHG) emissions reduction targets, water conservation targets, energy efficiency, and other sustainability issues identified in the Community Climate Action Plan (CAP) and General Plan which affect Council goals and that move the City toward compliance with established and emerging laws related to sustainability.

iii. Review and make recommendations to Council on Federal, State and regional policies related to sustainability which impact Council's goals and policies.

(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 by revision to this policy.

J. 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*)

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 Engagement 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:

(I) **Consult your board/commission chair** (If you are the chair, proceed to Step II).

(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**.

(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).

(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).

(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).

(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. 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. 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. 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.

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.

O. 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. 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.

Q. Bylaw Revisions

Boards and commissions may craft additional bylaw provisions specific to themselves as long as they do not conflict with Sections A through P above. Any additional bylaw provisions must be approved by the City Council.

R. Council Subcommittee

A standing subcommittee of three members of City Council shall review all bylaw revisions. The role of the subcommittee shall be to review the proposed bylaws before consideration for action by the full Council. Subcommittee meetings are subject to Brown Act noticing requirements.

((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); Revised by RTC 09-315 (12/15/09); Revised by RTC 10-143 (5/25/10) in accordance with Council action on 3/23/10)

Lead Department: Office of the City Manager