

Subcommittee Meeting: July 25, 2011

Subject: Consideration of Adoption of Council Policy Regarding Boardmember and Commissioner Contact Information

REPORT IN BRIEF

This report considers the creation of policy regarding minimal requirements for published contact information for boardmembers and commissioners.

BACKGROUND

No Council policy currently exists regarding the publishing of contact information for boardmembers and commissioners. In practice, the City only publishes the names of boardmembers and commissioners. The only methods for contact currently supported by the city are to forward written or electronic communications received by the city to affected boardmembers or commissioners, or to permit contact through normal Board or Commission meeting protocols.

EXISTING POLICY

Council Policy 7.2.19 2J states

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)

DISCUSSION

Boardmembers and Commissioners are specifically tasked with “serving as liaisons between the City and the general public regarding issues under their purview at City sponsored meetings or events”. However, residents have remarked upon occasion that existing practices create a wall between the public and commissioners, requiring staff intervention before residents can make contact with individual Boardmembers and Commissioners. This serves to discourage residents from contacting Boardmembers and Commissioners, which is a detriment to their responsibility as representatives of the general public.

If the current practice is deemed insufficient, some options exist, including but not limited to

- Requiring Boardmembers and Commissioners to make public some or all of home addresses, phone numbers, and/or email addresses.
- Having the city create email addresses with an email domain for all boardmembers and commissioners, automatically forwarded to personal mailboxes.

This issue has been examined in the past, driven from a desire to foster community outreach. To date, the City has deliberately refrained from providing anything other than a generic contact point for each full board or commission, to ensure parties to an interest have an even playing field with regards to commission contact. Staff asserts that anything said to a commissioner regarding an item under consideration should be said to all members of the commission, to ensure that all members are making recommendations based on the same information. This aspect factors into the standing Council policy prohibiting commissioners from representing their commissions outside of official city meetings. Requiring a single point of contact also ensures that any public contact can more easily be made a part of the public record.

A quick review of other cities in the county reveals the following practices currently in use on city websites:

| City | Published Information for Boardmembers & Commissioners | | | |
|------------------------|--|---------|---------|--------|
| | Names | Address | Phone # | E-mail |
| Campbell | Yes | No | No | No |
| Cupertino | Yes | No | No | No |
| Gilroy | Yes | Most | Most | Some |
| Los Altos | Yes | No | No | No |
| Los Altos Hills | Yes | No | No | No |
| Los Gatos | Yes | No | No | No |

| | | | | |
|----------------------|-----|------|----------|------|
| Milpitas | Yes | No | No | No |
| Monte Sereno | No | No | No | No |
| Morgan Hill | Yes | Most | Most | Most |
| Mountain View | Yes | No | Some FAX | Yes |
| Palo Alto* | Yes | Yes | Yes | No |
| San Jose | Yes | No | No | No |
| Santa Clara | Yes | No | No | No |
| Saratoga | Yes | No | Most | No |

* Palo Alto's website information is at least three years out of date.

Additionally, the cities of Milpitas and Santa Clara post photos of commissioners on their web sites.

Should a change be considered, three other factors should likewise be taken into account. First, existing boardmembers and commissioners were appointed with an implicit understanding that no such requirement would be imposed by Council policy. Creating a new policy should take into account whether or not existing commissioners should be grandfathered in under current practices.

Second, it was strongly suggested by one sitting commissioner that if Council were to require additional public contact points for Commissioners, Council should also establish its expectations for Commissioners, in terms of to what extent Commissioners are required to accommodate and respond to requests for contact from the public. This should necessarily include the extent to which commissioners' public outreach may or may not figure into reappointment decisions.

Finally, consideration should be given to whether or not publishing additional information may pose a security risk to commissioners, particularly those likely to deal with more controversial issues.

FISCAL IMPACT

Expanding the amount of published contact information involves negligible costs to the city. Creating and maintaining city email addresses for commissioners

PUBLIC CONTACT

Public contact was made by posting the Subcommittee 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.

Additionally, this report was distributed to all Boardmembers and Commissioners prior to the subcommittee meeting.

RECOMMENDATION

The subcommittee recommends: