



## APPROVED MINUTES

### SUNNYVALE HOUSING AND HUMAN SERVICES COMMISSION WEDNESDAY, JANUARY 28, 2009

Housing Officer Suzanne Isé announced that Chair Patricia Plant is moving to the City of San Jose and has resigned from the Commission. Therefore, the first order of business was to select a Chair for this meeting. Additionally, Officer Isé requested that the election for the Vice Chair be deferred to the next meeting in order to elect a new Chair and Vice Chair at the same time. The Commissioners agreed.

Commissioner Keeler nominated Commissioner Andersen to Chair the meeting.

Commissioner Falk suggested that Commissioner Meyering do it.

There was some discussion with regards to allowing other members of the Commission to take a turn to Chair the meeting and give a chance for everyone's input to be equal. Commissioner Meyering suggested Commissioner Falk. After further discussion there was a formal motion.

**Commissioner Yezgi moved and Commissioner Keeler seconded to elect Commissioner Andersen to Chair the meeting of January 28, 2009.**

**Motion passed 4-2-1 with Commissioners Falk and Meyering dissenting, and Commissioner Andersen abstaining.**

The Housing & Human Services Commission met in a regular session in the West Conference Room at 456 W. Olive Ave., Sunnyvale City Hall, Sunnyvale, CA 94086 on January 28, 2009 at 7:10 p.m. with Chair Andersen presiding.

#### **ROLL CALL**

**Commission Members Present:** Commissioners: Ann Andersen, Micki Falk, Jeremy Hubble, Charles Keeler, Patrick Meyering, Florence Tindle, and Demi Yezgi.

**Commission Members Absent:**

**Staff Present:** Suzanne Ise, Housing Officer, Katrina Ardina, Housing Programs Analyst, and Edith Alanis, Housing Programs Technician.

#### **SCHEDULED PRESENTATION**

NONE

#### **PUBLIC ANNOUNCEMENTS**

NONE

#### **CONSENT CALENDAR**

1. A. Approval of **Draft Minutes of December 17, 2008.**

Chair Andersen asked for a motion to approve the minutes of December 17, 2008.

**Commissioner Hubble moved and Commissioner Keeler seconded to approve the minutes of December 17, 2008.**

**Motion passed 6-0-1 with Commissioners Meyering abstaining because he was absent.**

**CITIZENS TO BE HEARD**

None

**PUBLIC HEARINGS/GENERAL BUSINESS**

1. Discussion of Outside Group Funding Process for FY 2009/10 including process for review of applications and ranking.

Housing Programs Analyst, Katrina Ardina, gave a quick overview of the forms that were included in the Commissioners packets and that will be used to score and rank the agencies seeking CDBG funding and that will be giving their presentations on February 12, 2009.

She explained the process that staff proposes to follow to rank the agencies in order to calculate the recommended amounts that they will be awarded.

She mentioned that some of the data taken into account when ranking the applications include; last year assessments, mid-year assessments, and the staff technical evaluation of the applications based on CDBG requirements.

Katrina went over how the scores were arrived at for the technical evaluation that is done by staff.

Officer Isé further clarified that some manual adjustments will have to be made in order to comply with the parameters that were set by the new process, such as the \$5,000 minimum and 25% of total available maximum amounts. She also pointed out that staff's review is objective and systematic.

The Commissioners asked for clarification on what is they need to focus when ranking the agencies. Staff pointed out that they should focus on the relative need for a particular proposal (i.e., priority need or otherwise), as well as the agency's past performance record, if they were funded previously, and the cost effectiveness of the proposed program. She clarified that the Commissioners may use their own judgment in evaluating the proposals. Therefore, they are encouraged to review the staff recommendations, take notes and ask questions during the presentations and then make their own conclusions and suggested funding amounts when it is time to make recommendations to the Council.

The Commissioners asked if staff will give a presentation on their rankings of the proposals. Staff replied that they will report on their rankings and recommendations.

The Commissioners were invited to take any action that they deemed appropriate with regards to the proposed process as well as to come up with any other process of their own if they feel that it would serve them better at ranking the agencies more efficiently.

After some discussion the Commissioners decided to take no action.

2. Election of Vice Chair.

This item was deferred to next meeting to be done at the same time as election of a new Chair for the Commission.

3. Review of Report to Council on Annual Review of City's Code of Ethics and Conduct for Elected and Appointed Officials.

Chair Andersen asked if there were any comments or recommendations.

There was a formatting correction for page 10 of attachment A to separate paragraphs three and four.

Comments "for the record" by Commissioner Patrick Meyering (verbatim transcription from recording per Commissioner Meyering's request).

*"This procedure and the document concerning ethics is basically a charade, it's put together as a formality to placate the residents and in fact does not actually represent a true commitment to ethics by the current Council.*

*One glaring example of this is the 19 page document; single spaced and typed in a reduced font and nowhere on those 19 pages does it say that Councilmembers should tell the truth. The core of any ethics policy is to tell the truth and to be honest.*

*The most glaring example of a violation of that came this past fall when there was an issue about whether or not the Downtown redevelopment was going to take place on schedule. The Council found out in September of 08 that the Redevelopment was going to be delayed and put out a press release in October of 08 telling the public that everything was on schedule. That was an intentional misstatement and it underscores the fact that this is just a formality.*

*This process was started in June of 1995 and the City Council put out positive statements of what we were going to do to have an ethical Council. It has gotten twisted along the way, starting in about 2002. There started to be negative statements in the document of what can not be done, but there are no criteria to demonstrate or illustrate what is negative behavior that is going to result in sanctions. Page 16, where we now have sanctions and previously we used to have positive statements about what the Council was going to aspire to talks about public disruption. That is being abused by the current Mayor so that when someone says something the content of which the Mayor does not agree with that person is interrupted, and that happens repeatedly.*

*Proper conduct is not defined. It was never in the original document. It is used to control the content of what other people say and which is disagreed with by the person that is currently in charge. Nowhere in here does it talk about how the staff also has to follow the same exact ethical rules.*

*In the recent past we have had intentional misstatements by the former City Manager; we have had unethical conduct by the current Assistant City Manager.*

*The paragraph at the top of page 17 that talks about Councilmembers behavior and conduct again is very vague, there is no real commitment to integrity and it does not include staff individuals. Proper conduct is a term that is used repeatedly in this document and it is never identified who is going to decide what proper conduct is and what criteria will be used.*

*With regard to the Boards or Commissions, most of these boards and commissions have got one person at most applying for an opening so there is no type of screening done, there is no idea as to what education, or training or work experience the applicant has with regard to being objective or having a judicious temperament. In the middle of page 17 it says "Chairs will give verbal reprimands and written warning to other members of the public who volunteer to be on that board". That is absurd, it opens the whole public advisory commission concept up to real problems, everyone is supposed to be equal, everyone is supposed to express their opinion, they are supposed to be a tool, a resource to be used by the Council as a snap shot of how the*

*members of the public of Sunnyvale feel about a particular issue. Instead it is abused and the abuse is encouraged by staff in some situations.*

*The Housing Officer, two housing officers back actively worked in creating in-fighting and rivalry on this Commission and abused this vague language about Chairs and Vice Chairs being able to issue warnings without any identification as to whether there was training or objectivity in that.*

*This document and the procedure that is being followed is a charade used to placate the public and there is no real commitment on the part of the majority on this Council to integrity and telling the truth".*

Chair Andersen thanked Commissioner Meyering for his comments and asked if there were other comments by the rest of the Commissioners.

Commissioner Falk followed by expressing that she felt that Council behavior was unethical. She spoke about a public comment that she made at the last Council meeting. She stated that it was her understanding that she is entitled to have her comments heard and there should not be any kind of reaction by the Councilmembers commenting on her statement, and to some degree distracting from her statement as if to make it less important.

She also mentioned that a friend of hers had a similar experience when she attended a Council meeting and gave her public comment and opinion.

She further commented that she felt that it was unethical for the Council to have appointed Interim Councilmember Chu to the seat that was temporarily vacated by Councilmember Otto Lee, and to have had only the opinion of one attorney to decide if it was appropriate or not. She cited how other cities have handled such situations. She also stated that there were other members of the public and prior Councilmembers who had spoken out to their disapproval of the way it was handled, but the current Council ignored them all. It seems evident to her that a lot of times Council has already made up their minds on issues and that the opinions of the residents of Sunnyvale are blatantly ignored.

Chair Andersen asked if there were further comments.

Commissioner Yezgi asked how long has this document been in the process of being changed. Staff explained that this document is reviewed annually, but that this time around the edits were more significant because it involved the merging of two documents first and then the removal of redundancy for the sake of clarity and conciseness. Staff also added that the annual review is done on the adopted document. This is an opportunity for the Commission to give any input for that final document that will go to Council next week and that they were also invited to attend the meeting if they felt it necessary.

She also asked about the term that was used by Commissioner Meyering asking that his comments be "for the record". She expressed that by doing that, it may give the impression to the public reading the minutes that his opinion was more important or implies that he represented the Commission's opinion in this comments.

There was further clarification from staff that when a comment was prefaced by "for the record" every effort was made to capture every point that was made in that statement, whereas, other general discussions, or other statements by Commissioner may be paraphrased for simplicity and brevity, other than specific motions and votes.

Commissioner Yezgi further expressed "for the record" that although she respected everyone's individual comments, experiences and opinions, she did not believe that it was appropriate in this platform since she remembers being told by Council that her duty in the Commission was to serve the public interest and not individual or personal interests or opinions. Commissioner Meyering replied that the Councilmember that told her that was mistaken, that she was entitled to think and speak her mind

regardless, and that if any Councilmember did not want to hear it he or she could or should cover his or her ears.

She also expressed that she thought they were only being asked for feedback on the edits to the document.

Commissioner Keeler agreed that the impression that someone reading the minutes may get, in a situation like tonight's, is that comments "for the record" are more important than the minutes merely because they are longer and are prefaced by the phrase "for the record".

After further discussion with regards to the document, the Commission decided to not take any action or make any recommendation, but requested that their comments be forwarded to the City Manager's office.

Officer Isé stated that she would check the City's policy regarding Commission minute-taking and report back to the Commission at the next meeting. Commissioner Meyering stated that it is written in the Sunnyvale policy that when one wants their comments to appear exactly as stated that one should preface such comments by saying that the comments are for the record.

#### **NON-AGENDA ITEMS AND COMMENTS**

- BOARDMEMBERS OR COMMISSIONERS ORAL COMMENTS

NONE

- STAFF ORAL COMMENTS

1. Officer Isé confirmed that there will be a Joint Study Session of the Housing and Human Services Commission, the City Council and the Planning Commission on the Housing Element Update on March 10, 2009, from 5 p.m. -7 p.m. in the Library Program room. Commissioners are requested (but not required) to attend.
2. Flyers were passed out for the Housing Sub-element Community meetings on February 5, 2009
3. It was also announced that there will be a Council Study Session on February 24, 2009 on the Mid-Peninsula Senior Housing Project
4. Lastly, staff informed the Commission that the Maitri project identified in the 2007-08 Action Plan was finally moving forward. The agency has found a property in Cupertino and will be closing escrow in the next month.

#### **INFORMATION ONLY ITEMS**

- Addressed under staff oral comments.

#### **ADJOURNMENT**

Chair Andersen asked for a motion to adjourn the meeting.

**Commissioner Falk moved and Commissioner Meyering seconded to adjourn the meeting.**

**Motion passed unanimously 7-0.**

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Suzanne Isé  
Housing Officer