

Policy 7.3.12 City Council Appointments to Intergovernmental Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces

POLICY PURPOSE:

The purpose of this policy is to provide clarity around the appointment of Councilmembers and non-Councilmembers to intergovernmental (IGR) assignments, including appointment criteria, appointment process, and term length. The policy also addresses Council subcommittees and task forces.

POLICY STATEMENT:

1. City Councilmember Appointments to Intergovernmental Agencies

The City Council appoints members to a variety of intergovernmental agencies in order to represent the City's interests and to influence policies and regulations of other agencies.

In general, appointments are governed by the following principles:

- A. For those IGR assignments where the City's representative serves at the discretion of the Council, the City Council will nominate members to fill vacancies on IGR bodies as part of a noticed agenda item at a regular meeting.
- B. For appointments made by outside bodies (for example, the Cities Association or the League of California Cities), the City Council must ratify the appointment of a Councilmember as part of a noticed agenda item at a regular meeting. No further Council ratification is needed for subcommittee appointments if the appointing committee assignment has already been ratified by Council.
- C. The term of office for the Sunnyvale representative shall be in accordance with the by-laws of the intergovernmental agency to which they were appointed. For agencies with no defined terms, the appointments shall be made annually in January. Notwithstanding, in all cases, Councilmember assignments and appointments shall terminate automatically when a Councilmember leaves office, effective upon the Councilmember's last day of service.
- D. In the event a vacancy occurs during a term, the Council will select a member to serve the remainder of that term as part of a noticed agenda at a regular meeting. Councilmembers shall notify the IGR Manager of any changes to IGR assignments.

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- E. Council shall appoint a member to serve as an alternate to IGR bodies at the request of the agency or when the nature of the assignment requires a representative always be present.
- F. Staff support is provided to Councilmembers serving on IGR bodies as directed by the City Manager and in accordance with Council Policy 7.3.13.

2. Cities Association of Santa Clara County (CASCC): City Council Representation

The Cities Association of Santa Clara County was formed in 1990 (formerly the “Intergovernmental Council”) in order to represent the mutual interests of the diverse fifteen cities of Santa Clara County and to present a unified voice for the cities in dealing with other agencies, organizations and levels of government. The Association was established through a joint powers agreement, and is funded exclusively by the fifteen cities.

Each city appoints a city Councilmember to the Board of Directors, which meets monthly. In its role as an advocate for the cities, the group monitors legislative activities at the state and federal levels.

The issue of selection of the representative shall be placed on the agenda of the Council meeting following the meeting when the Mayor is selected. By tradition, the Mayor represents the City of Sunnyvale on the Board of Directors. The Mayor has the discretion to designate another Councilmember to serve on the Board of the CASCC in his or her stead.

3. City Council Appointment of a Non-Councilmember to an IGR Assignment

The City Council may, on occasion, appoint a non-Councilmember to represent the City's interest on an intergovernmental body. These appointments must be made as part of a noticed agenda item at a regular meeting. In those circumstances:

- A. Staff support is not provided to non-Councilmembers who serve on an intergovernmental body, although a staff member liaison will be designated by the City Manager.
- B. Non-Councilmembers serving on intergovernmental bodies shall provide a summary written report to the entire City Council and the City Manager after each intergovernmental agency meeting they attend.

4. Mayoral Appointments to Intergovernmental Agencies

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The Mayor appoints members to a variety of intergovernmental agencies in order to represent the City's interests and to influence policies and regulations of other agencies.

In general, appointments are governed by the following principles:

- A. The Mayor may appoint him/herself.
- B. For those IGR assignments where the City's representative serves at the discretion of the Mayor, the Mayor will appoint members to fill vacancies on IGR bodies.
- C. Mayoral appointments include appointments to the US Conference of Mayors' Policy Committees; Cities Association of Santa Clara County's Board of Directors, City Selection Committee, and Legislative Action Committee; the Advisory Council to the Council on Aging; and Council voting delegates and alternates for annual League of California Cities and National League of Cities conferences.
- D. As vacancies occur to the Mayoral appointment to the Advisory Council to the Council on Aging, the Mayor may direct staff to recommend individuals for consideration.

5. City Council Subcommittees

The City Council and/or Mayor may establish Council subcommittees as stated below. Subcommittees usually comprise less than a quorum of the Council and are generally used to provide more detailed review and analysis of complex issues. Subcommittees make recommendations to the Council but cannot take formal action on behalf of the Council.

For purposes of the State's open meeting law (the "Brown Act") there are two types of council subcommittees: standing committees and ad hoc advisory committees. Under the Brown Act, "standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body" are subject to all open meeting requirements.

Ad hoc advisory committees are composed of less than a quorum of the Council and are created for a limited time for a particular purpose. Under the Brown Act, ad hoc committees are not required to comply with open meeting requirements.

Standing Committees

- A. All Council standing committees shall be established by the Council and the membership will be appointed by the Council.

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- B. Standing committees exist, with the set membership, unless and until modified by the Council.
- C. Standing committees shall select their own chair. If the committee is unable to select a chair, or if the timing requires immediate action, the Council will appoint the chair.
- D. Standing committees are subject to open meeting requirements. Any action to create or modify the committee must be placed as an item on the Council agenda.

Ad Hoc Advisory Committees

- A. The Mayor may create ad hoc committees of the Council to assist in particular matters as they arise. Members of the committee shall be appointed by the Mayor. Council may request the creation of an ad hoc committee through the Mayor.
- B. Ad hoc committees have a fixed, limited assignment.
- C. No more than three Councilmembers may serve on an ad hoc committee. Ad hoc committee meetings are not subject to open meeting requirements, unless the Mayor directs otherwise when they are formed. The findings and recommendations of the ad hoc committee must be presented to the entire Council at a noticed meeting.
- D. Any action to create or modify the committee must be placed as an item on the Council agenda.

Community Member Advisory Task Forces

There are two types of community member advisory task forces – those that are created by action of the Mayor, and those that are created by the Council.

Mayor Created Task Forces

From time to time the Mayor may wish to establish advisory task forces of members of the public, or so-called “blue ribbon panels,” to address specific issues of the day. The task force may be composed solely of community members, but may also include Councilmembers. The Mayor may create an advisory task force at his or her discretion. So long as there are only two Councilmembers included on the task force, they are not considered “legislative bodies” within the meaning of the Brown Act and do not need to comply with open meeting requirements. (This of course does not preclude the task force from holding open and publicly noticed meetings, it simply does not require it.)

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Basic principles governing these task forces are:

- A. Members are appointed by the Mayor, and may include both Councilmembers (no more than two) and non-Councilmembers.
- B. The advisory task force presents its findings and recommendations to the Mayor; at his or her discretion the Mayor may or may not direct that the findings and recommendations be brought forward to the Council. Any action resulting from advisory task force recommendations must be directed and approved by the Council at a noticed meeting.
- C. An advisory task force exists until its work is concluded or it is terminated by the Mayor; in all cases the term is limited to the term of the appointing Mayor.
- D. A task force chair shall be selected by the task force unless the Mayor directly appoints a person to serve as chair.

Council Created Task Forces

The City Council may take action to create a temporary, community member task force to consider and advise on defined issues or topics. These commissions, created by formal action of the Council, are considered “legislative bodies” for purposes of the Brown Act, and must comply with open meeting requirements.

The following applies to these task forces:

- A. Members of the task force are appointed by the Council, or Council’s designee, and may include council members (no more than three). Any action creating such a task force must be taken at a noticed meeting. The Council may choose and utilize relevant criteria for making such appointments.
- B. The findings and recommendations of the task force shall be brought forward to the Council at a noticed meeting; likewise, any action resulting from the task force recommendations must be directed and approved by Council at a noticed meeting.
- C. The task force exists until it accomplishes its mission or is otherwise terminated by the Council.
- D. The task force chair shall be selected by the task force unless the Council directly appoints a person to serve as chair.

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(Adopted: RTC 81-602 (10/6/1981); Amended: [No RTC] (6/21/1994); [No RTC, Budget workshop] (5/20/1997); Amended by RTC 05-163 (6/7/05); Amended: [No RTC] (4/19/06); Amended: RTC 08-089 (4/1/08); Amended: RTC 09-001 (1/6/09); Amended: RTC 12-006 (1/10/12); Updated for clarity (8/21/12); Clerical update (1/25/13))

Lead Department: Office of the City Manager