

1.0 Long-Term Advocacy Positions - Land Use and Transportation

1.1 The Region

- (1) Support efforts to provide a permanent, direct percentage of federal transportation funds to local government transportation departments for priority work in urban areas. [*Added as ISTEA in 1991/Expanded 1993 NLC Resolution/Modified 2003/amended 2008*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (2) Support continued operation of the Santa Clara Valley Transportation Authority bus transit and paratransit service at service levels sustainable to meet the needs of transit dependent populations. [**/Modified 1996 Ballot Initiative-Measure D/Modified 2001/Modified 2003*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (3) Support efforts to create and maintain regional funding sources for critical transportation needs. [*1998- staff suggestion/amended 2008*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (4) Support flexible spending of state and federal transportation funds for locally determined needs. Oppose project or program specific earmarking of funds from existing funding sources. [*First Appeared 2001/ Modified 2003/2006 NLC Resolution*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (5) Enhance the mobility of the growing senior population. [2003 Public Works staff recommendation/amended 2008] (Moved to long-term Council Policy, RTC 10-016, January 26, 2010) **Lead Dept. DPW**
- (6) Support streamlining or otherwise provide sufficient resources to expeditiously process local agency federal and state-aid projects through Federal and State environmental and regulatory requirements. [*2005 DPW Staff Recommendation*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (7) Support state funding for regional transportation projects; oppose eliminating or reducing state or federal funds due to local contributions. Support local input in determining project priorities. Oppose transfers of local and statewide transportation funds to balance the State General Fund budget. [**/Modified 1995/Modified 2003*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (12) Support the concept of a proposed water transit system. However, Sunnyvale believes that any water transit system should be funded through new revenue

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- sources only, that local officials should be directly involved in governing any water transit system, and the interests of its residents should be protected. [*Council RTC 98-264/Modified 2000*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (13) Support the continuing efforts of the Water Emergency Transit Authority to explore San Francisco Bay Ferry Expansion, with reasonable and feasible alternatives for multimodal access to a South Bay ferry terminal. [**/Modified 2003*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (14) Support the concept of Smart Growth that promotes a stronger integration of land use and transportation on state, regional and local levels. Integrate local priorities in land use and transportation into Smart Growth actions. [*First Appeared 2003*] (Moved to long-term Council Policy, RTC 10-016, January 26, 2010) **Lead Dept. DPW**
- (15) Support identification and pursuit of limited term revenue sources for transit capital and operating purposes only after stabilization of revenue and service levels sustainable to meet the needs of transit dependent populations. [*2004 Public Works Staff Recommendation*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (16) Support the use of Federal Transportation Trust Funds for the delivery of transportation system improvements and distribution of the funds being done on the principle of “return to source”. Oppose retention of Trust funds for the purpose of “masking” the federal deficit or actual budgetary imbalances. [*1998-December-staff suggestion; 2004 Finance & Public Works Staff Recommendation; Moved from Section 7, Planning & Management, (i) Federal*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (19) Monitor the implementation of the California High Speed Rail Plan and advocate for a financially self-sustaining system using proven cost effective technology and based on the conservative ridership assumptions. The City should actively participate in planning and design to minimize the impact of high-speed rail operations in Sunnyvale. The City supports a southern route without identifying a specific route at this time, but one that does not impact the Henry Coe State Park or the Orestimba wilderness. [*DPW Staff Recommendation based on Council action May 11, 2004, 2009 DPW staff modification.*] (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**

1.2 The City

- (1) Support roadway operations by agencies with facilities in Sunnyvale as long as they do not advertently affect traffic on Sunnyvale streets. [*First Appeared 1993*]

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(Moved to long-term Council Policy, RTC 10-016, January 26, 2010) **Lead Dept. DPW**

- (2) Support provisions to allow group and residential care homes within the City, but allow local control or participation if possible over concentration of such uses. *[First Appeared 1992/Modified 1996/2002 NLC Resolution]* (Moved to long-term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. CDD**
- (3) Support efforts to maintain the City's ability to effectively regulate wireless telecommunications facilities and maintain local authority on facilities that directly affect city residents. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. CDD**
- (4) Support initiatives that help fund prioritized infrastructure projects that improve the quality of life of its residents. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. DPW**

(Adopted: RTC #10-016 (January 26, 2010); Revised: RTC #12-009 (February 7, 2012); Revised: RTC #18-1064 (January 1, 2019); Revised RTC #24-0102 (January 30, 2024))

**No record of LAP origin.*

Policy 1.1.2 Guidelines for Long-Term Outdoor Accessory Commercial Uses

POLICY PURPOSE:

The purpose of this policy is to regulate the type, location and appearance of long-term unenclosed retail accessory uses. Some businesses like to conduct part of their activities outside, usually coinciding with fair weather and special promotions. The policy guidelines apply only to those accessory uses listed in Sunnyvale Municipal Code Section 19.20.030 that have the potential to occur outdoors on an ongoing basis. Examples of such activities include outdoor eating areas and the display of merchandise in front of a store or service station.

The policy does not address mobile vendors, shopping center “sidewalk days,” festivals, or other temporary unenclosed uses listed in Sunnyvale Municipal Code Section 19.82.020, which require a Miscellaneous Plan Permit.

A Use Permit is required for these long-term outdoor activities. The policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to: (1) ensure pedestrian and fire lane access; (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.

POLICY STATEMENT:

The following guidelines will be considered in the review of applications for long-term unenclosed retail accessory uses specified in Sunnyvale Municipal Code Section 19.20.030.

Uses

1. Proposed outdoor accessory uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to Use Permit approval at an administrative public hearing.
2. The outdoor display of wearing apparel, footwear, foodstuffs and furniture is prohibited.
3. The Use Permit, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property is not used for such use for a period of one year or more.

Location

1. The accessory use is limited to private property, unless an Encroachment Permit is obtained by a separate process to allow the use in a public right-of-way. In such instances, approval of a Use Permit will be conditioned upon the applicant

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- obtaining an Encroachment Permit from the Director of Public Works. The Director of Public Works may issue an Encroachment Permit if it is found to be in the public interest, and consistent with an approved use permit. In making such a decision, the Director of Public Works will consider public safety, interest and welfare factors, including but not limited to pedestrian movement, emergency vehicle access, traffic movement and visibility, interference with the public use of property, and access to public utilities and street furniture. Issuance of an Encroachment Permit may be conditioned as deemed necessary to protect the public interest. The approval of an Encroachment Permit may be revoked at any time with a ten day notice, except that revocation may be immediate in case of a threat to public safety or an immediate need for public use of the property. At such time as an Encroachment Permit is revoked, the related Use Permit approval will also be voided.
2. A finding shall be made by the Director of Community Development that the accessory use is primarily oriented to pedestrians, rather than to a street.
 3. The accessory use shall be adjacent to the building the business occupies, and is not allowed in any parking lot, landscaped area, loading or fire zone. The use shall not encroach upon the frontage of neighboring businesses.
 4. The accessory use and all accompanying equipment are allowed outside only during operating hours of the subject business. This provision does not apply to outdoor dining tables and seats.
 5. The accessory use shall not obstruct pedestrian movement or access from any doorway, as determined by the Fire Prevention Division. At least six (6) feet of pedestrian clearance shall be provided around the use. The six feet may include adjacent available public sidewalks.
 6. The accessory use shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40 foot clear corner sight triangle shall be kept free of all obstructions.

Appearance

1. All merchandise shall be placed on a rack, table, cart or display case, the design of which must be approved by the Director of Community Development.
2. A maximum overall height of six (6) feet is permitted for the accessory use. A maximum display area of fifteen (15) square feet is allowed for a business with 50 feet of store frontage or less. An additional 15 square feet of area may be allowed for each additional 50 feet of store frontage occupied by the business. The total display area includes any combination of racks, tables, carts and/or cases. This area limitation does not apply to dining tables and chairs.

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3. The Director of Community Development shall establish the maximum number of outdoor tables and chairs allowed for a restaurant. The appropriate number and size of these facilities shall be determined through application of location standards defined above.
4. Signs, as approved by the Director of Community Development, shall be limited to one per table, cart or display case and shall not exceed 6" x 18". Signs are prohibited in the public right-of-way.
5. Out-of-door loudspeakers and amplifiers are prohibited.
6. The Director of Community Development may attach any conditions that are necessary to protect the best interests of surrounding businesses, the neighborhood and community. Conditions may limit the numbers, size, location and design of unenclosed objects. The outdoor retail accessory use must comply with all applicable City codes.

(Adopted: RTC 82-131 (3/9/1982); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development

Policy 1.1.3 Procedural Points and Processing of Development Requests

POLICY PURPOSE:

This policy suggests a way that development plans can be handled between the Planning Commission and City Council review. Also, it is the intent of this policy to establish better methods of communicating the City's concerns to the applicant in a timely fashion.

POLICY STATEMENT:

It is the policy of the City to provide for expeditious processing of development plans. Also, it is a desire of the City to communicate clearly to developers and to the public. The following attempts to provide procedural and processing formats to accomplish the City's policies.

Plans which are Approved or have a Potential for Approval

1. If the City Council wishes to approve the plans but requires minor to moderate changes not altering the basic request (e.g., roof line treatment), they can be delegated to staff or Planning Commission for final approval. The exact changes should be expressed in the conditions. The staff and Planning Commission will follow through with the applicant to assure that these changes in the plans are made.
2. Major changes which would alter the basic concept of the proposal (e.g., three stories to two stories; underground parking vs. at-grade parking) should be referred back to the Planning Commission with specific direction for change. Once the plans have been changed, given appropriate review by the Planning Commission and with a new staff report, they would return to the City Council. This rerouting through the Planning Commission may actually provide a shorter time frame for the applicant than starting from the beginning if "denied without prejudice." Planning Commission could also recommend to the City Council these major changes and rerouting to the Planning Commission.

Plans which are Denied

Projects whose basic idea or use is unacceptable should be denied. The message should be clear that the City Council does not want to approve the project in any form based on specific reasons. The plans should be denied based on specific findings.

Both Planning Commission and City Council should avoid the denial without prejudice route because it is confusing for both staff and the applicant. Also, if the concept is approvable there are other routes for review which can better meet the needs of the applicant and the City. These proposed measures should help to reduce confusing

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situations at Council (what plans are we really approving and what conditions?). The measure should also save time for the applicant.

(Adopted: RTC 84-488 (7/3/1984))

Lead Department: Community Development

Policy 1.1.4 Council and Planning Commission Review of Land Use Decisions and Opportunity to Appeal

POLICY PURPOSE:

Title 19 (Zoning Code) of the Municipal Code provides that either the Administrative Hearing Officer or Planning Commission will take final action on most land use requests requiring a public hearing unless appealed or called up for review to the next higher hearing body. The Zoning Code makes provisions for land use decisions to be made by the Director of Community Development, Planning Commission or City Council. Some of these decisions must be made at a public hearing: an Administrative Hearing or Planning Commission. Many of the decisions made at these hearings may be appealed or called up to the next higher body: Planning Commission or City Council. An appeal may be made by an applicant or a member of the public, and a call up for review may be made by one Planning Commissioner or two City Councilmembers. The purpose of this policy is to set forth a routine procedure whereby the Planning Commission or City Council will receive information regarding the agendas and actions of the lower body(s) and have opportunities to call up the decisions of the lower body as prescribed in the Zoning Code.

POLICY STATEMENT:

City Council

The City Council will receive summary minutes of the Planning Commission and Administrative Hearings, noting actions of Planning Commission and Administrative Hearings (conducted by the Director of Community Development or designee who shall be called the Administrative Hearing Officer). Summary minutes shall be received by the City Council soon after the meeting and within the appeal period. Any two Councilmembers may call up an item heard by the Planning Commission within the prescribed appeal period. Staff will notice the hearings for any call up for review as specified in the Zoning Code.

Planning Commission

The Planning Commission will receive summary minutes of Administrative Hearings soon after the meeting and within the appeal period. Any one Planning Commissioner may call up for review an item within the prescribed appeal period. If called up, an item will be scheduled for a Planning Commission hearing. Staff will notice the hearings for any call up for review as specified in the Zoning Code.

Public

Nothing in this policy would alter or preclude the public's ability to appeal an action by the Director of Community Development or Planning Commission as provided in the Zoning Code.

Adopted: RTC 85-198 (4/30/1985); Amended 04-077 (2/24/2004); 03-140 (5/2/03); (Clerical/clarity update, Policy Update Project 8/2005); Amended 14-0287 (11/25/14)

Lead Department: Community Development

Policy 1.1.5 Jobs/Housing Imbalance

POLICY PURPOSE:

This policy is designed to define the jobs/housing imbalance problem and to serve as an acknowledgement by the City Council that the jobs/housing imbalance and related problems are endemic to all cities in the County of Santa Clara.

POLICY STATEMENT:

In recognition of the jobs/housing imbalance and related problems, the Sunnyvale City Council

- Views the severe jobs-housing shortage and imbalance as endemic to all county cities and recognizes that it must be addressed through mutual co-operation and goal-setting.
- Defines the jobs-housing imbalance not only as a problem of too little housing but also as one of rapid industrial development serviced by an inadequate transportation network.
- Commits itself to encourage not only jobs and housing for as many of our citizens as possible but also to maintain and improve our quality of life. The City Council considers these four components - jobs, housing, transportation, quality of life - as inseparable when seeking solutions.
- Believes that the City should be part of the solution, not part of the problem.

(Adopted: Council Motion (12/11/1979))

Lead Department: Community Development

Policy 1.1.6 Operating Standards for Recycling Centers

POLICY PURPOSE:

Recycling Centers are allowed through Use Permit approval with a public hearing in public, office, commercial, industrial and mixed use zones. The purpose of this policy is to provide residents with access to recycling opportunities at facilities that are compatible with adjacent uses and that maintain the high quality of Sunnyvale's development standards. This policy is not intended to apply to a recycling center located at a facility that has been issued a Solid Waste Facility Permit.

POLICY STATEMENT:

Each application for a Use Permit for a Recycling Center must comply with the following operating standards:

1. Centers must be located on sites with permanent, operating businesses that are in compliance with the zoning, building and fire codes of the City of Sunnyvale.
2. Containers must be constructed and maintained with durable, waterproof and painted or rustproof material and must be covered.
3. Containers must be clearly marked to identify the type of recyclable or recyclables that may be deposited.
4. The Center must be clearly marked to identify the name and telephone number of the facility operator.
5. Sites containing recycling centers must be swept and maintained in a dust-free, litter-free condition on a daily basis.
6. The Center and associated customer parking must be placed on a site so as not to obstruct on-site or off-site pedestrian or vehicular circulation.
7. The Center must not reduce the landscaping on the site.
8. The Center must comply with the provisions of Section 19.42.030 of Title 19 of the Sunnyvale Municipal Code.
9. The Center must not include power-driven sorting and/or consolidation equipment, such as crushers or balers, except reverse vending machines.
10. The minimum average illumination of the site must be 1/2 foot candle.

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11. Use of the Center for collection of solid waste or hazardous waste, as defined in Section 8.16.020 of Title 8 and Section 20.04.040 of Title 20 of the Sunnyvale Municipal Code is prohibited.
12. The Center must be removed from site on the day following permit expiration.
13. Attended Centers may operate only between the hours of 9:00 a.m. to 9:00 p.m.
14. The Center must conform to all development regulations for the zoning district in which it is located; for an attended Center, a minimum of one (1) parking space per attendant must be provided.
15. Mobile recycling centers must have an area clearly marked to prohibit other vehicular parking.
16. Design and colors of the center must be compatible with other businesses on the site. Improvements may be required to ensure compatibility, including but not limited to, landscaping, screening, trailer skirting and parking lot repairs.
17. There may be no more than one (1) recycling center on a site at one time and four (4) reverse vending machines.

(Adopted: RTC 87-233 (4/28/1987))

Lead Department: Community Development

Policy 1.1.7 Environmental Quality Regulations

POLICY PURPOSE:

The California Environmental Quality Act of 1970, as amended, (“CEQA”) requires cities and other units of local government to adopt objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports.

POLICY STATEMENT:

By the adoption of Resolution No. 118-04 the City Council adopts by reference the State Guidelines for the implementation of CEQA to insure adequate review of the impact on the environment of projects to be undertaken or approved by the City of Sunnyvale, so as to maximize the preservation and enhancement of the environment. See the “City of Sunnyvale Supplemental Procedures To Implement The California Environmental Quality Act” for further assistance regarding specific practices in Sunnyvale.

(Adopted: RTC 190-77 [Resolution] (11/24/1981); Amended RTC 04-01CA (6/8/2004))

Lead Department: Community Development

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CITY OF SUNNYVALE SUPPLEMENTAL PROCEDURES TO IMPLEMENT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Sunnyvale is mandated by the California Environmental Quality Act (“CEQA”) (Public Res. Code §§ 21000 et seq.) to review the environmental impact of all non-exempt private and public projects. The basic purposes of CEQA are to inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities, identify ways that environmental damage can be avoided or reduced, prevent significant unavoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures, and to disclose to the public the reasons why a governmental agency chooses to approve a project if significant environmental effects are involved.

CEQA requires that governmental agencies adopt procedures to implement the provisions of the law. Pursuant to statutory mandate, the State Secretary of the Resources Agency has adopted a comprehensive set of guidelines prepared by the Office of Planning and Research to assist governmental agencies and the public with implementation of CEQA’s requirements. (“State Guidelines,” Cal. Code of Regs., Title 14, §§ 15000 et seq.) The City has adopted the State Guidelines, as they may be amended from time to time, in their entirety as its local guidelines. These supplemental procedures are intended to provide further assistance to project proponents regarding specific practices in Sunnyvale; in the event of any conflict between these supplemental procedures and the State Guidelines, the State Guidelines shall control.

CEQA applies to discretionary government activities, defined as “projects.” A project may be an activity directly undertaken by a public agency such as the construction of a public facility or adoption of a specific plan, or it may be an activity undertaken by a private party which involves the issuance of a lease, permit, license, certificate or other entitlement for use by a public agency.

Basically, CEQA requires that an agency proceed in the following manner: 1) determine whether a proposed activity is a project that may have a significant, adverse effect on the environment, 2) if so, consider whether any exemptions from the CEQA process apply, 3) if the project is not exempt, prepare an Initial Study to determine possible significant impacts and whether they can be mitigated through project redesign or conditions, 4) if the Initial Study determines that there will be no significant impacts or that the potential impacts can be mitigated, file a negative declaration or mitigated negative declaration, and 5) if a project may result in a significant adverse impact, prepare an environmental impact report to evaluate potential impacts and possible project alternatives and their impacts.

1. PRIVATE PROJECTS.

The Community Development Department Planning Division is primarily responsible for processing private projects for which development applications are submitted. The Planning Officer, or his or her designee, is responsible for overseeing the CEQA compliance procedures. The project planner assigned to any particular project has the responsibility to manage CEQA compliance in conjunction with the project review.

A. Exempt Projects.

As part of the preliminary review of a project application, the project planner shall consider whether a project is exempt from CEQA. Generally, a project may be exempt from CEQA review if it falls within any of the following categories:

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- The project is not considered a “project” within the CEQA definition
- The City does not have discretion to disapprove or put conditions on the project
- The action is required by a state regulatory program
- The State has determined by statute that the type of project is exempt from CEQA review
- The project is a type that the State has determined generally does not have a significant environmental impact

CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that the project in question would not have a significant effect of the environment, it is not subject to CEQA.

1) Ministerial Projects or Permits.

Ministerial projects are those projects over which the City has no discretionary power to deny or condition, providing the project meets specified code requirements. Ministerial projects are exempt from CEQA. When a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the provisions of CEQA. Ministerial permits in Sunnyvale include, but are not limited to:

- building permits, including mechanical, electrical and plumbing permits
- grading permits (in areas with average slope less than 20%)
- business licenses and other permits required by Title 5, Business Licenses and Regulations, of the Sunnyvale Municipal Code
- licenses and permits required by Title 9, Public Peace, Safety or Welfare, of the Sunnyvale Municipal Code
- issuance of industrial waste permits unless in connection with a project which exceeds wastewater standards set forth in Chapter 12. 40 of the Sunnyvale Municipal Code
- approval or waiver of parcel maps and the approval of final subdivision maps
- approval of individual utility service connections and disconnections
- issuance of occupancy inspection permits
- issuance of demolition permits, unless in connection with a property of historical or cultural significance to the community, as designated on the cultural resources inventory maintained by the City, or as designated as a heritage landmark by the City

2) Determination of Exemption.

If the project planner determines the project falls into one of the exempt categories, no further CEQA review is required. The formal determination the project is exempt from CEQA is made by the decision-making body at the time of project approval (or disapproval). Depending on the type of development action sought, the decision-making body may be administrative staff, the

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Planning Commission, or the City Council. The decision-making body may conclude a project is not exempt; in such a case the project planner shall proceed with an Initial Study.

If the decision-making body finds a project is exempt and approves the project, the Planning Division may file a Notice of Exemption with the County Clerk after approval of the project. This starts a thirty-five day period for challenge of the decision through the courts.

B. Non-Exempt Projects.

1) Initial Study.

As part of the application process, the project applicant must complete and submit an environmental information form, supplied by the Planning Division, before the application can be deemed complete. The type of information to be submitted is dependent upon the type of development the applicant proposes.

After an applicant submits an application for a non-exempt project, the project planner will conduct an Initial Study of the project to determine whether a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report should be prepared. To assist in the preparation of the Initial Study, the project planner may submit application information to the Project Review Committee (“PRC”) for comment and evaluation. The PRC is a standing internal review committee composed of representatives from various city departments with responsibilities for overseeing functions such as fire safety, building, solid waste management, utility service, etc. The project planner will coordinate and incorporate the comments of the PRC members into the Initial Study.

2) Negative Declaration.

Based upon the Initial Study, the project planner shall evaluate the project’s effect on the environment. If it is determined the project will have no significant adverse effects, the project planner shall prepare a Negative Declaration.

3) Mitigated Negative Declaration.

If the preliminary determination shows that a proposed project may have a significant effect upon the environment, the project planner will meet with the applicant to discuss possible mitigation measures and/or project alterations that would avoid the significant effects identified in the Initial Study. The application and Initial Study shall be revised to reflect any changes made to the project to address potential impacts, and shall discuss required mitigation measures and how they will be enforced (i.e., conditions of approval).

4) Adoption of Negative/Mitigated Negative Declaration; Project Approval.

The Planning Officer, or a person designated by the Planning Officer to act as Environmental Coordinator, shall review the project planner’s determination to prepare a Negative Declaration or Mitigated Negative Declaration. If the Environmental Coordinator agrees with the determination, he or she shall sign the Notice of Intent to prepare the Negative Declaration, and circulate it in accordance with the State Guidelines.

The adoption of either type of Negative Declaration is made by the decision-making body at the time of project approval (or disapproval). Depending on the type of development action sought,

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the decision-making body may be administrative staff, the Planning Commission, or the City Council. The decision making body may conclude that the evidence presented calls for the preparation of an Environmental Impact Report (EIR) rather than a type of Negative Declaration. In such a case, an EIR shall be prepared.

5) Environmental Impact Reports.

If the Environmental Coordinator determines that a proposed project may have one or more significant adverse impacts, he or she shall circulate a Notice of Preparation in anticipation of preparing an EIR, and must consult with relevant agencies and interested parties, in accordance with the State Guidelines. The draft EIR may be prepared by City staff or by a consultant under contract to the City. The City shall administer all consultant contracts. The contents of the EIR as well as the process for preparing and finalizing the EIR shall be as stated in the State Guidelines.

6) Appeal From Determination to Prepare EIR.

A project applicant may appeal the Environmental Coordinator's determination that an EIR must be prepared to the Planning Commission, in accordance with the general appeal procedures set forth in Chapter 19.98 of the Sunnyvale Municipal Code. An applicant may further appeal the Planning Commission's decision to the City Council, in accordance with the general appeal procedures.

7) Findings for Project Approval.

The Final EIR shall be reviewed and certified by the decision making body in accordance with CEQA procedures and the State Guidelines. Prior to project approval, the decision making body shall certify that the final EIR was completed in compliance with the provisions of CEQA, and that the decision making body reviewed and considered the information contained therein. The decision making body shall adopt a statement of overriding considerations and mitigation monitoring plan as necessary under the circumstances.

8) Notice of Determination.

The Environmental Coordinator shall file a Notice of Determination with the County of Santa Clara following the final approval of a project where either a Negative/Mitigated Negative Declaration was adopted or an EIR certified. The filing of the Notice of Determination establishes a thirty day period for challenge of the decision through the courts.

9) Appeals.

The action of the decision making body on a CEQA finding may be allowed by the statute or State Guidelines, may be appealed to the next level of decision making body, in accordance with the State Guidelines and general appeal procedures set forth in Chapter 19.98 of the Sunnyvale Municipal Code.

10) Costs and Fees.

- (a) No environmental review fee shall be required where it is determined that an application is exempt from CEQA review.

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- (b) For the review and initial environmental assessment required in connection with any project, the applicant shall pay a fee in an amount prescribed by resolution of the City Council, which shall be payable at the time of the filing of the application.
- (c) Upon completion of the review and initial assessment, the applicant shall be advised whether or not it has been determined that the project may have a significant effect on the environment and thus require preparation of an EIR. The applicant will be further advised whether or not the City will retain a consultant to assist in preparation of the EIR.
- (d) For review and required filings in connection with an EIR, there shall be a fee in an amount prescribed by resolution of the City Council, which shall be payable by the applicant prior to the time any work on the draft EIR is authorized.
- (e) In the event the City retains a consultant to assist in the preparation of the EIR, the applicant shall pay the cost. The applicant shall deposit an amount to be determined by the Planning Officer based upon his or her estimate of the cost of preparation of the EIR. If the costs of preparation exceed the amount of the deposit, the Planning Officer shall notify the applicant who shall, within five (5) business days of such notice, deposit the additional amount necessary to cover costs of preparation. If the costs of preparation are less than the amount deposited, any amounts remaining upon certification of the EIR shall be refunded to applicant.
- (f) Payment of required fees or deposits by an applicant shall be a condition precedent to the obligation of the City or any consultant retained by the City to perform any act or provide any service for which such fee or deposit is required.
- (g) The fees for copies of documents prepared pursuant to these procedures and the State Guidelines shall be the standard fee charged by the City for copies of like documents.
- (h) Fees for the preparation or reproduction of environmental documents shall be in addition to any other fee required by law.

2. CITY PROJECTS

CEQA defines a project as the “whole of an action” which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This applies to activities directly undertaken by the City including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans and elements thereof.

1) Lead Department.

The City Department with the major responsibility for carrying out or approving an activity or project is designated as the Lead Department for the City. For example, the Public Works Department is the Lead Department for street improvement projects, and the Parks and Recreation Department is the Lead Department for park improvement projects.

The Planning Division of the Community Development Department is the Lead Department for zoning ordinance and general plan amendments, as well as for private development applications.

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2) Timing.

Assigned staff in the Lead Department (the Project Manager), shall be responsible for ensuring CEQA compliance as City projects are carried out. The Project Manager shall be alert for environmental issues at the earliest stages of project planning, so that appropriate environmental safeguards and mitigations can be designed into the project. Initially, the Project Manager shall determine whether a project is exempt from CEQA review. The Project Manager shall consult with the Environmental Coordinator if necessary to make this determination. If a project is exempt, a Notice of Exemption may be filed when the project is approved.

If the project is not exempt, the Lead Department shall incorporate environmental considerations into project conceptualization, design, and planning. In cases where the City will be acquiring property for a project, CEQA compliance should be completed prior to acquisition of a site.

2) Process.

When the City plans to carry out a non-exempt project, the Lead Department will participate in the environmental review process in a manner similar to that for private project applicants. All environmental documentation shall be prepared by the Lead Department (or under direction of that Department) in coordination with the Planning Division. This coordination is intended to ensure consistency between the processing of private projects and the processing of public projects.

The Project Manager of the Lead Department shall conduct an Initial Study to determine whether the project may have a significant effect on the environment. The project may be submitted to the PRC for review and comment. If the Initial Study finds that there is not substantial evidence that the project may have a significant effect, the Project Manager shall prepare a Negative Declaration. If the Initial Study shows that the project may have a significant effect, the Lead Department shall prepare a Mitigated Negative Declaration or EIR, as appropriate.

All environmental documents shall be prepared in compliance with the State Guidelines. The Planning Officer and Lead Department may agree that the Environmental Coordinator shall act as the Project Manager for a Lead Department with respect to CEQA compliance when circumstances so warrant.

Policy 1.1.8 Video Game Uses in Commercial Businesses

POLICY PURPOSE:

The purpose of this policy is to define incidental and entertainment uses of video games, and to establish location and operation standards for the uses. The policy is intended to: (1) protect public safety by ensuring that the building and use comply with applicable provisions of the Municipal Code, and (2) protect the public welfare by minimizing potential impacts of the use on the site and its surroundings.

POLICY STATEMENT:

The following standards will be used to regulate incidental and entertainment uses of video games.

Standards derived from code requirements will apply to incidental and entertainment uses that are allowed by right. Additional standards, of a discretionary nature, will establish a basis for evaluating entertainment uses that need a Use Permit or Special Development Permit, including decisions about the allowable number of games.

Definitions

1. Video Game Machine: Coin-operated amusement device or game of skill with an electronic-based console and screen, available for use by the public.
2. Incidental Use: Less than four video games in a commercial business, allowed as a matter of right.
3. Entertainment Use: Four or more video games in a commercial business, as permitted by the zoning code.

Standards for Incidental Uses

1. Maximum Number of Games: Three
2. Location Standards: Allowed in any commercial or industrial zone
3. Operation Standards (as required by code):
 - A. Provide one electrical outlet per video game machine. Do not permit the use of external adapters to increase the number of connections.
 - B. Maintain an unobstructed aisle width of at least 36 inches in front of each machine and player. Also, avoid blocking exits.

Comply with fire, building, electrical and plumbing codes.

COUNCIL POLICY MANUAL

Standards for Entertainment Uses Allowed by Right

1. Maximum Number of Games: Determined by extent of compliance with operation standards)
2. Location Standards: Allowed in C-3 zone, as specified in Municipal Code
3. Operation Standards: Conform with code requirements listed for incidental uses

Standards for Entertainment Uses Allowed with a Use Permit or Special Development Permit

1. Maximum Number of Games: Determined by the City, using location and operating standards below as a guide in evaluating the ability of a business and its surroundings to accommodate the use. The City recognizes a general correlation between policy compliance and the allowable number of video games.
2. Location Standards:
 - A. Permitted with conditional approval in zones specified in Municipal Code.
 - B. Provide a minimum separation of 1,000 feet between each video game entertainment use.
 - C. Provide a minimum separation of 1,000 feet between the use and any elementary, junior high or senior high school.
 - D. Assess the proximity of the use to residences, and determine the potential for impacts.
 - E. Consider impacts of the use on nearby businesses.
 - F. Consider the impacts of nearby businesses on the use. In particular, note any businesses which may contribute to an environment conducive to loitering, and businesses which may be incompatible with youth-oriented activities.
3. Operation Standards:
 - A. Standards to Ensure the Safety of the Building and Its Occupants (code requirements unless otherwise noted)
 - (1) Provide one electrical outlet per video game machine. Do not permit the use of external adapters to increase the number of connections.

COUNCIL POLICY MANUAL

- (2) Maintain an unobstructed aisle width of at least 36 inches in front of each machine. In addition, provide a minimum 18-inch deep area for the player in front of each machine (policy). Also, avoid blocking exits.
 - (3) Comply with fire, building, electrical and plumbing codes.
- B. Standards to Reduce the Impacts to Surrounding Businesses and Residences
- (1) Consider limits on the hours and days of operation.
 - (2) Evaluate the supervision plan, if any: operating rules, regulations and codes of conduct; total number of employees per shift; number of adult supervisory personnel per shift; methods of handling currency, and notices to be posted in and around the building.
 - (3) Consider methods of litter control.
 - (4) Consider methods of noise control.
- C. Standards to Minimize On-Site Congestion and Security Problems -
- (1) When the entertainment use is carried out in conjunction with an incidental to a primary use, the floor area devoted to the entertainment use will be limited to an amount that will not change the character of, nor interfere with the operation of the primary use, or cause any of the operating problems identified in the policy.
 - (2) Provide bicycle racks at the rate of one space per machine, in close proximity to the business. Avoid interfering with pedestrian circulation and landscaped areas.
 - (3) Provide vehicle parking at the standard ratio specified for the business.
 - (4) Adequately illuminate the buildings interior.
 - (5) Install the games within view of the cashier or other personnel.
 - (6) Illuminate entrances, sidewalks and parking areas.

The above are not an exclusive list of items that may be considered in the evaluation of Use Permit or Special Development Permit requests for video game entertainment uses.

COUNCIL POLICY MANUAL

(Adopted: RTC 83-288 (7/5/1983))

Lead Department: Community Development

Policy 1.1.9 Sustainable Development and Green Buildings

POLICY PURPOSE

This policy is designed to encourage sustainable development throughout the City of Sunnyvale, to provide education and information to the community, and to serve as an acknowledgement by the City Council of the importance of sustainable development concepts and practices.

POLICY STATEMENT

It is the policy of the City to encourage new and remodeled development within the City to incorporate sustainable design principles in the following disciplines:

- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere Materials and Resources
- Indoor Environmental Quality

The City of Sunnyvale adopts the following policy statements in recognition of the importance of sustainable development:

Public Facilities

1. Remodeled City facilities will incorporate sustainable design practices in the areas noted above (e.g. carpeting, paint, recycled content materials, recyclable materials, concrete, Certified Wood, etc.) to the extent practicable.
2. New public facilities shall comply with the Green Building Program standards effective at the time the project is funded or submitted for building permits, whichever occurs first.
3. As material specifications and standards for maintenance and remodeling of City facilities are reviewed, inclusion of sustainable design practices (e.g. carpeting, paint, recycled content materials, recyclable materials, environmentally-friendly cleaning products, concrete, Certified Wood, etc.) will be considered by staff.
4. City staff are encouraged to attend green building seminars and workshops to keep current with industry innovations and products.

Private Development

1. Provide education and outreach to residents, businesses, and development community.
2. New construction shall comply with the Green Building Program standards effective at the time the project is funded or submitted for building permits, whichever occurs first
3. Provide incentives for industrial/office development to incorporate green building design practices.

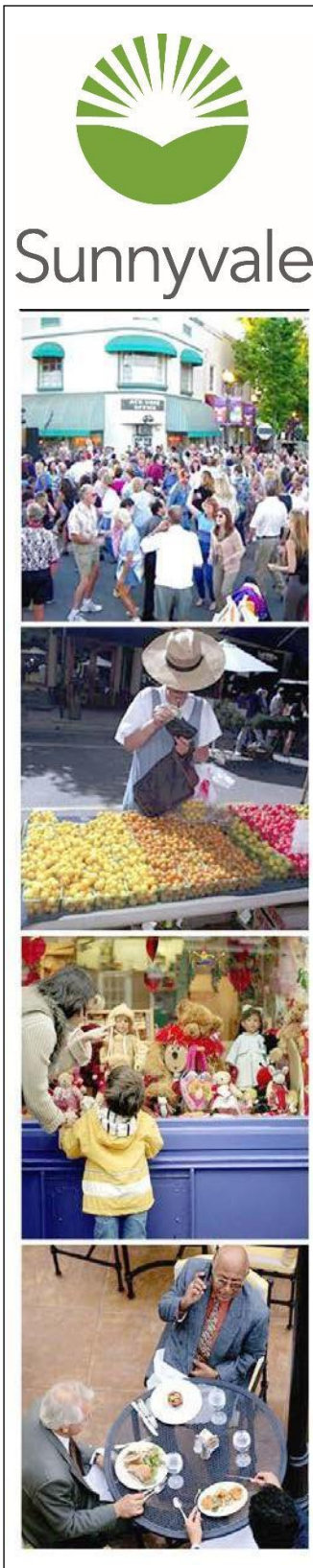
COUNCIL POLICY MANUAL

In applying the Green Building Program, consideration shall be made to also apply the City's Bird Safe Building Design Guidelines.

(Adopted: RTC 04-064 (2/24/2004), Revised: RTC 14-0810 (9/16/2014))

Lead Department: Community Development

Policy 1.1.10 Use of the Public Sidewalk on the 100 Block of South Murphy Avenue



POLICY PURPOSE:

The City is committed to the preservation and enhancement of the 100 Block of Historic South Murphy Avenue as Sunnyvale's "Main" Street. This policy is intended to promote the attractive commercial and historic environment of Murphy Avenue by allowing private use of the public sidewalk, while ensuring a successful streetscape and protection of the general public.

DEFINITIONS:

For the purpose of this document, the following terms are defined as follows:

1. **Frontage Zone:** The 'frontage zone' portion of the sidewalk is defined generally as the space on the public sidewalk closest to the building facades measuring approximately 2-feet from the right-of way line. This linear strip extends along both sides of Murphy Avenue from Evelyn Avenue to Washington Avenue.

2. **Pedestrian Zone:** The 'pedestrian zone' is the area between the 'frontage zone' and the 'furnishings zone' that is available for pedestrian circulation. The width of the pedestrian zone shall be at least 5 feet at any given point.

3. **Furnishings Zone:** The 'furnishings zone' of the sidewalk is defined as the space between the 'pedestrian zone' and the two feet behind the face of curb where the City owned 'public features' (light posts, benches, planters etc.) are placed. The width of the furnishings zone varies throughout Murphy Avenue depending on the presence of adjacent on-street parking and other streetscape furniture items.

4. **MPP (Miscellaneous Plan Permit):** A miscellaneous plan permit is an administrative process to allow the determination of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project.

The purpose of the Murphy Sidewalk Policy is:

- a. To establish standards for the use of the "frontage zone" portion of the public sidewalk by business owners/operators for outdoor merchandise display, seating and/or signage.
- b. To allow for the use of the "furnishings zone" and "frontage zone" of the public sidewalk for outdoor dining under specified conditions.



Sunnyvale



- c. To maintain accessible pedestrian access at all times, both along the sidewalk and into businesses.
- d. To establish procedures for relocating public street furniture under limited circumstances.

These guidelines have been developed specifically for, and are unique to the sidewalk portion of the public right-of-way on the 100 block of South Murphy Avenue. The policy does not apply to furniture on private property, to the street portion of the public right-of-way on the 100 block of South Murphy Avenue or to the public right-of-way located elsewhere in the City.

POLICY STATEMENT:

A. USE OF THE CITY SIDEWALK RIGHT-OF-WAY

A.1. Frontage zone:

1. The frontage zone of the public sidewalk along the 100 Block of South Murphy Avenue may be used for the display of signage, merchandise or other items relating to the legal business operation of the adjacent business, and deployed daily during business hours by business owners or operators. Use of the frontage zone requires maintaining private features and the furnishings zone in a neat and safe condition.

2. All signage and merchandise in the frontage zone shall comply with the requirements outlined in Section B.

3. Outdoor dining in the frontage zone requires prior approval of an MPP (refer to Section C).

A.2. Pedestrian zone: The pedestrian zone shall remain clear without any obstructions to allow for the movement of pedestrians.

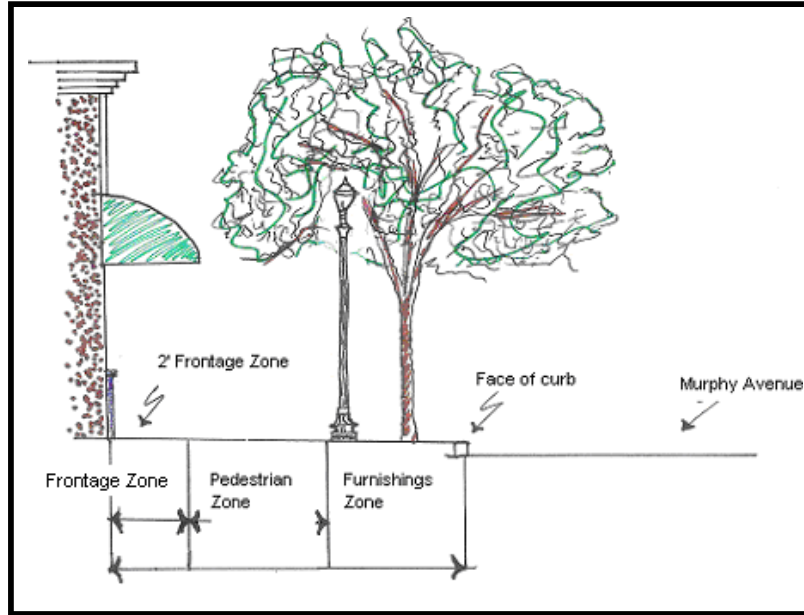
A.3. Furnishings zone:

1. Public Features: This policy applies to the following types of public street furniture/furnishings:

- benches, trash receptacles, street lights, trees, tree grates, planter urns, or other furnishings managed by the City, and
- planters, signs, or other items required as a condition of approval, or other permanent features.
- newsracks which are regulated by the Special Newsrack District policy

2. Outdoor seating for dining or other business use in the furnishings zone requires approval of an MPP (refer to Section C). Use of the furnishings zone for outdoor dining requires maintaining tables, chairs and the dining area in a neat and safe condition.

3. Removal and/or relocation of public street furnishings requires approval of an MPP and payment of associated costs (refer to Section D).



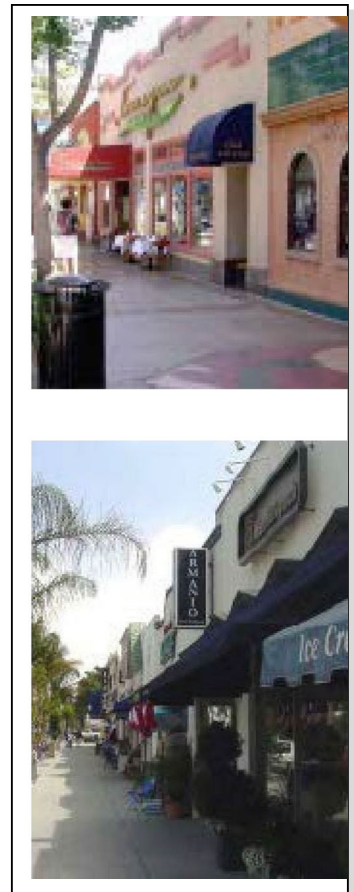
Murphy Avenue Sidewalk Area

B. FRONTAGE ZONE OF THE PUBLIC SIDEWALK

B.1. Private Features: This policy applies to the following types of private street furnishings: planters, outdoor seats, tables, freestanding signs (A-Frame, sandwich boards, etc.), merchandise holders/displays, or any other items placed by business owners or operators.

B.2. Allowed Uses

1. The frontage zone of the sidewalk can be used for the following street furnishings, depending on the business type: un-fixed outdoor seating or dining, free-standing signs, sandwich board signs, outdoor display of merchandise (e.g. racks, tables), planters or landscape boxes.
2. All private street furnishings may be placed and kept within the frontage zone of the public sidewalk (identified by the charcoal band pavers) closest to the building facades. Outdoor seating for dining in the frontage zone requires approval of an MPP (refer to Section D).
3. All other types of street furnishings not specifically described above shall be prohibited unless it is determined by the Community Development Director that they are similar and appropriate to the allowed furnishings.



4. Business owners may use only the frontage zone of the sidewalk directly adjoining their business frontages. No items are allowed within entry or exit areas of any business or building.
5. Only business owners or operators that have frontage on the 100 Block of South Murphy Avenue may utilize the frontage zone of the sidewalk.

B.3. Required Permits

1. No permits are required to place allowed street furnishings during business hours (listed above) in the frontage zone of the sidewalk area.
2. All private street furnishings must meet the design criteria listed in the Design Criteria sections of this policy.

B.4. Design Criteria for Freestanding Signs

1. Freestanding signs, such as A-Frames or sandwich boards or menu boards, shall be limited to one (1) per business.
2. Freestanding signs shall be limited to a maximum of four (4) feet high and two (2) feet wide in any direction.
3. Freestanding signs shall not lean against the building or any other structure, but must be self supportive.
4. Freestanding signs shall have an open base, with cut-outs or legs.
5. Freestanding signs shall not be moving, animated, or have changeable copy (reader board), with the exception of a grease board feature on the sign face.
6. Freestanding signs materials should be either wood or metal (not flat sheet siding). Materials such as plastic, foam, paper, cardboard, laminated paper, or vinyl are discouraged. PVC pipe frames are prohibited. Recycled products may be considered provided they have a similar design affect as wood or metal.
7. Freestanding signs shall be made to be secure and shall not blow or move in the wind. Balloons of any type are prohibited.
8. Freestanding signs shall not be permanently affixed to the ground or chained to anything.
9. Freestanding signs shall be moved inside the business when the business is closed.
10. No sign shall detract from the historic character of Murphy Avenue or otherwise be a visual/physical nuisance.

B.5. Design Criteria for Merchandise Displays

1. Outdoor merchandise displays, such as clothes racks, tables, shelves, etc. shall be limited to one (1) per business.
2. Displays shall not exceed five (5) feet high and two (2) feet deep. The length of merchandise displays are limited to the length of the business frontage.
3. The total square footage of merchandise displays and window signage shall not exceed more than 50% of store front windows.
4. Displays shall not be permanently affixed to the ground, and shall be moved inside the business when the business is closed.
5. Displays shall be made to be secure and shall not blow or move in the wind.

B.6. Design Criteria for Private Planters

1. Private planters shall be a maximum of three (3) feet high and (2) feet wide in any direction.
2. Planters shall not be permanently affixed to the sidewalk but may remain on the sidewalk after business hours. Planters must be planted and maintained in a neat manner. Planters with dead plants or poorly maintained must be removed. Placement of planters must comply with applicable accessibility and safety standards.
3. The applicant is responsible for any and all damages to the public right-of-way resulting from private planters.

B.7. Design Criteria for Other Private Street Furnishings

1. Other street furnishings not specifically described by this policy shall be prohibited unless specifically approved by the Community Development Director, using similar design criteria.

C. OUTDOOR DINING IN THE PUBLIC SIDEWALK

The purpose of this policy is to regulate the type, location and appearance of outdoor dining uses on South Murphy Avenue where the sidewalk is to be utilized.

Outdoor dining shall be allowed to occur during business hours around the existing street furniture in the “furnishings zone” and in the “frontage zone” of the public right-of-way subject to approval of a Miscellaneous Plan Permit (MPP) from the Director of Community Development. The permit may be revoked for non-compliance with permit conditions.

MPP applications must be accompanied by a letter of authorization from the Sunnyvale Downtown Association, or the equivalent association at that time, prior to staff action on the permit. These policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to (1) ensure pedestrian and fire lane access, (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.

C.1. Uses

1. Proposed outdoor dining uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to MPP approval at staff level.
2. The MPP granted to an establishment shall be reviewed at the beginning of each year to ensure continued compliance with the requirements of this policy. Any violation of the requirements of this policy could result in revocation of the MPP by the Director of Community Development.
3. The MPP, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property is not used for such purpose for a period of three months or more.

C.2. Location

1. The outdoor dining use shall be adjacent to the building the business occupies along Murphy Avenue, and is not allowed in any parking lot, landscaped area, loading or fire zone, or pedestrian crosswalk or breezeway. The use shall not encroach upon the frontage of neighboring businesses, except when the street is closed to vehicular traffic for outdoor public events (such as the summer Wednesday Night Music and Market, the Saturday Farmers Market, and the Art and Wine festival) or when written approval has been granted by the adjoining business for the use of their frontage. The business must obtain both written approval from those neighboring businesses and provide liability insurance to cover the outdoor dining in front of those neighboring businesses.
2. The outdoor dining use shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provided around the use. The five (5) feet may include adjacent available public sidewalks.
3. The outdoor dining use shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40-foot clear corner sight triangle shall be kept free of all obstructions.
4. A single permit may be issued for any eating establishment which occupies more than one adjacent parcel, or for two separate eating establishments on adjacent parcels that wish to operate a single outdoor dining facility.

C.3. Appearance

Furniture

1. Tables with individual chairs are required for outdoor dining (no bench seating). Each table shall be setup to accommodate no more than four (4) persons in the furnishings zone. Each table shall be setup to accommodate no more than two (2) persons in the frontage zone. Configurations of tables and chairs shall be approved by the Building Safety Division and Fire Prevention Unit for compliance with related codes regarding (i.e. occupant loads, disabled access, and egress).
2. Tables and chairs shall be of either metal or wood construction. Recycled products may be considered provided they have a similar design affect as wood or metal. Tables and

chairs shall not have legs or braces which protrude, creating a hazard for passers by, or that damage the pavement.

3. Tables and chairs shall be moved inside the business when the business is closed on Tuesday nights (Wednesday nights during event season).
4. All outdoor furnishings must be secured at close of business. Items may be secured with chains, locks or anything that prevents anyone from being able to lift and move the furniture. Items may not be secured to trees, lights posts, benches or any other public fixture on Murphy Avenue.
5. Umbrellas which are free-standing or used as part of the table assembly, must be open on all sides with no unprotected protrusions around the perimeter. The top portion of the umbrella (i.e. the cover) may extend into the pedestrian zone provided it is taller than seven feet to prevent obstruction to the movement of pedestrians. The diameter of the umbrella shall generally be 7 ft. or less in width.
6. Freestanding umbrellas shall be made to be safely weighted down (not be permanently secured) to the public sidewalk, so they will not become a safety hazard to the public, or damage the pavement.
7. Freestanding umbrella bases shall be made to be aesthetically compatible with the historic nature of Murphy Avenue.
8. Outdoor heaters in the furnishings zone require approval of the Fire Prevention Unit and shall be considered on a case-by-case basis. Gas operated outdoor heaters shall not be allowed in the frontage zone. Electric heaters built into the building façade require approval of a Landmark Alteration Permit (LAP).
9. The permittee holds the responsibility to maintain the outdoor furnishings in a safe and attractive condition. Dining tables and the area must be bussed and kept free of food wastes that would attract nuisances. Feeding of wildlife is prohibited. Business shall immediately remove any material from the pavement in or near the outdoor dining areas to avoid slip hazards, and vectors.

Other Physical Accessories

1. Lighting fixtures, area delineation accessories, planters or any other furnishings used in conjunction with outdoor dining shall be subject to the review process prior to issuance of the MPP.

Table Service Ware

Service ware (i.e. plates, cups, utensils) shall not be disposable type, i.e. no single-use service ware allowed.

Aesthetic

A standard on aesthetics is appropriate and desirable to assure that sidewalk encroachments complement, rather than detract from, the Murphy Avenue streetscape. The applicant must submit detailed design plans for staff review and comment. General guidelines to be used in the review include:

1. The outdoor dining furniture shall be reasonably compatible in scale, design and color with the character of the building facade and adjacent structures.
 - a. The dining area should have a coordinated color scheme, preferably consisting of no more than two colors.
 - b. Canvas is the preferred material for umbrellas. Stationary metal shades are unacceptable. Any graphics on sun shades should be incidental to the design. Type styles and logos should relate to the existing architectural style of Murphy Avenue.

Structural Upgrading

To further the City's efforts to revitalize Murphy Avenue, certain structural standards relating to the facade of the eating establishment must be met before outdoor dining will be allowed on the public right-of-way. These guidelines are consistent with those found in the Murphy Avenue Design Guidelines adopted in 1994 and represent the minimal conditions expected.

1. Paint: Harmonious color and appropriate to the streetscape.
2. Storefront Windows: Large window areas to illuminate the interior, and to allow views of the street.
3. Signage: Appropriate size and material, reflective of the general character of Murphy Avenue in design and color.

If appropriate, other improvements may be required to rooflines, tile work, doors, awnings, or other architectural details to ensure their compatibility and acceptable condition.

C.4. Other Regulatory Considerations

Smoking

1. Business must comply with local and state regulations regarding smoking.
2. Smoking is prohibited on the 100 block of South Murphy Avenue.

Trash

1. Trash generated from outdoor dining service shall be deposited with the regular restaurant trash, not in Murphy Avenue streetscape City trash receptacles.

2. Businesses must keep outdoor dining areas clean and free of food wastes and debris, and clean the pavement daily at the end of the outdoor use.

Food Service

The following are regulations set forth by the Santa Clara Health Department. With regard to outdoor dining, non-conformance to these standards will result in the revocation of the City's MPP.

1. Food preparation must take place inside the eating establishment only.
2. No outside food displays are allowed.
3. Condiments must be kept in closed containers (ketchup bottles, squeeze bottle, individual packets).

Serving of Alcoholic Beverages

Restaurants must comply with Alcoholic Beverage Control (ABC) requirements for serving alcohol in outdoor eating, areas. Failure to comply with all applicable ABC standards will result in the revocation of the MPP. At a minimum, these requirements include:

1. Alcoholic beverages may only be served in outdoor areas which are contiguous to the eating establishment (i.e. the area must not be separated from the restaurant by a public sidewalk) or in accordance with current ABC requirements.
2. The restaurant operator must provide a visual barrier or delineation to distinguish the outdoor serving area from the public walkway.
3. Alcoholic drinks may not be prepared (mixed) in the outdoor area.
4. Physical conditions must allow visual monitoring of alcohol consumption from within the establishment, or the establishment must provide regular waiter/waitress service to the outdoor area.

ABC requires that the licensee obtain approval for premise expansion. The licensee must show evidence that the City has issued the MPP. Issuance of an MPP to an establishment intending to serve alcoholic beverages in the encroachment area will include a condition that the permittee provides a copy of the ABC approval to the Planning Division within 45 days after service begins.

Insurance

Permittee is required to maintain a policy of commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale. The City of Sunnyvale, its officers, employees, agents and volunteers must be named as additional insured and provided with a signed endorsement to the policy. A certificate of insurance alone will not suffice. The preferred endorsement form is CG20101185, but others can be issued with the approval of the City's Risk Manager.

Indemnification

Except as to the sole negligence or willful misconduct of the City, the permittee shall defend, indemnify and hold the City, and its officers, employees, agents and volunteers harmless from any and all loss, damage, claim for damage, liability, expense, or cost, including attorneys' fees, which arise out of the permitted outdoor dining in the public right-of-way.

D. PUBLIC FEATURES RELOCATION: PERMIT REQUIREMENTS

D.1. Applicable Parties

Only business owners, operators or property owners on South Murphy Avenue may request to relocate the public street furniture/furnishings to a suitable new location on South Murphy Avenue.

D.2. Permits

The Miscellaneous Plan Permit (MPP) process will regulate the operation of street furniture/furnishings movement in the public right-of-way. MPP applications must be endorsed by the Sunnyvale Downtown Association (SDA), or the equivalent association at that time, prior to staff action on the permit. The policy guidelines establish criteria for the review of each application by the Director of Community Development and the City Engineer.

D.3. Location

1. Applicants can request to relocate certain street furniture (Bench, trash receptacle, ash receptacle) to a suitable new location on South Murphy Avenue. The applicant is responsible to pay all costs associated with the relocation.
2. The applicant must obtain written approval from the business(es) adjacent to the location where the furniture is to be moved.
3. The new location shall not obstruct pedestrian movement or access from any doorway, as determined by the Building Safety Division and Fire Prevention Unit. At least five (5) feet of pedestrian clearance shall be provided on the public sidewalks.
4. The new location shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant.
5. The new location shall be consistent with the approved 2005 Streetscape Revitalization Plan for Murphy Avenue.

D.4. Removing Furniture

Applicants can request that certain street furniture be removed (bench, trash receptacle, ash receptacle) from the streetscape entirely if a suitable new location cannot be found, subject to the determination that there is no longer a need for the specific item of furniture. The applicant is responsible to pay all costs associated with the relocation. Removal should be

consistent with 2005 Streetscape Revitalization Plan for Murphy Avenue and is subject to review and approval by the Director of Community Development and the City Engineer.

Options

Public

1. When applicants request street furniture to be moved or removed it shall be done by City forces. the applicant will bear all the costs and must reimburse the City for all related expenses.
2. A deposit for the estimated cost of the action will be required prior to any approval or action by City forces.

Private

1. Applicants have the ability under this policy to contract with a private party to move the furniture at their own costs, if such relocation or removal is approved by the City. This will require issuance of an Encroachment Permit in addition to the MPP permit required for relocation. The applicant shall pay the costs of the encroachment permit. The Director of Public Works shall have review authority over all Encroachment Permits.



(Adopted: RTC 87-199 (4/14/87); Amended: RTC 05-124 (4/26/05); Amended: RTC 10-121 (5/25/10); Amended: RTC 19-0454 (5-7-19))

Lead Department: Community Development

Policy 1.1.11 Planned Development (PD) Combining District Use Guidelines

POLICY PURPOSE:

To develop specific guidelines regarding the intended circumstances and appropriate use of the PD Combining District. The policy defines when it is appropriate to apply the PD Combining Zoning District and provides more specific criteria for considering deviations from the Zoning Code through the use of a Special Development Permit.

POLICY STATEMENT:

Justifications and benefits of applying the PD Combining District:

1. To facilitate development or redevelopment of a site to improve the neighborhood.
2. To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.
3. To facilitate desirable development of properties at significant intersections.
4. To allow for the development and creation of lots that are less than the minimum size required in the base zoning district.

Commonly requested deviations and potential justifications are set forth in the accompanying guidelines.

Staff reports for a PD Combining District must include a section that specifically analyzes the cumulative effects of any requested deviations, impacts to the immediate neighborhood (industrial as well as residential); and any potential citywide impacts that may result must be analyzed, discussed and reviewed.

(Adopted: RTC 98-010 (10/20/98); (Clerical/clarity update, Policy Update Project 8/2005))

Lead Department: Community Development

**Planned Development Combining District – Special Development Permits
Guidelines for Deviations from Development Standards & Potential Justifications**

* Note: There is not a direct correlation between individual deviations and justifications

Commonly Requested Deviation	Potential Justification
<ul style="list-style-type: none"> <input type="checkbox"/> Reduced lot size and lot width <input type="checkbox"/> Reduced setbacks <input type="checkbox"/> Reduced second story setbacks <input type="checkbox"/> Increased height (not exceeding allowed number of stories) <input type="checkbox"/> Increased number of stories and height <input type="checkbox"/> Increased lot coverage <input type="checkbox"/> Reduced landscape square footage <input type="checkbox"/> Reduced usable open space <input type="checkbox"/> Reduced landscape buffer dimension <input type="checkbox"/> Reduced number of parking spaces <input type="checkbox"/> Reduced covered or uncovered parking space dimensions <input type="checkbox"/> Reduced drive aisle dimension 	<ul style="list-style-type: none"> <input type="checkbox"/> Exceeds minimum or is below max. of a specific dimensional development standard such as the following: <ul style="list-style-type: none"> <input type="checkbox"/> Increased setbacks <input type="checkbox"/> Increased average setbacks <input type="checkbox"/> Increased landscape percentage <input type="checkbox"/> Increased Useable Open Space <input type="checkbox"/> Reduced lot coverage <input type="checkbox"/> Significant site feature (e.g. trees, buildings, etc.) is preserved <input type="checkbox"/> Provide additional parking spaces <input type="checkbox"/> Provide shared recreational amenities <input type="checkbox"/> Provide specimen sized trees – 36 inch box or greater <input type="checkbox"/> Provide large sized shrubs – 15 gal. or greater <input type="checkbox"/> FAR for residential projects less than 50% <input type="checkbox"/> Underground parking <input type="checkbox"/> Off site amenity provided such as covered bus shelter <input type="checkbox"/> Project includes design solutions resulting in a less dense and massive appearance – could include: <ul style="list-style-type: none"> <input type="checkbox"/> Many variations in setbacks and projections <input type="checkbox"/> Variation in exterior colors and materials <input type="checkbox"/> Variation of roof heights <input type="checkbox"/> Landscape plan provides screening, enhances design and softens the appearance of the project <input type="checkbox"/> Project design incorporates appropriate transition to buffer existing adjacent land uses.

Policy 1.1.12 Maximum Standards for Small Lot Single Family Residential Developments

PURPOSE:

This policy is to provide the City and developers a set of guidelines for development on small lots, regardless of the underlying zoning district, with suggested development standards that are definitive and that assist in project evaluation for small lot developments with a PD Combining District. Some of these standards are similar to the requirements of the R-1.5 and R-1.7/PD Zoning District.

POLICY STATEMENT:

Suggested minimum development standards for small lot residential developments:

1. Projects with lots of 4,200 square feet or smaller should maintain an overall project (including interior private drives and streets) floor area ratio (FAR) of 50% (a requirement of R-1.5 and R-1.7/PD) or less.
2. Usable open space should total 500 square feet or greater, with dimensions of 15 feet or greater in every direction.
3. The exterior boundaries of a proposed project adjacent to existing residential development should maintain a maximum required second story side yard setback along the side adjacent to the existing homes.

(Adopted: RTC 98-010 (10/20/1998))

Lead Department: Community Development

Policy 1.1.13 Review Criteria for Projects Greater Than 35% Floor Area Ratio (FAR)

POLICY PURPOSE:

To provide City decision-makers a set of criteria to evaluate projects exceeding the allowed FAR (typically 35%) in Sunnyvale's industrial zoning districts (M-S and M-3 Zoning Districts).

POLICY STATEMENT:

The Review Criteria has four major categories: Community Character, Environmental-Traffic and Air Quality, Site Design and Architecture, and an optional category of Economic and Fiscal factors. See the detailed list "Review Criteria for Projects Greater Than 35% FAR."

(Approved: RTC 99-176 (5.4.1999))

Lead Department: Community Development

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Review Criteria for Projects Greater Than 35% FAR

Certain developments in excess of 35% floor area ratio (FAR) in Industrial Zoning Districts (M-3 or M-S) require approval of a Use Permit. In order to approve a Use Permit at least one of the following findings must be made. In addition, to assist the decision makers in considering higher FAR developments, the following review criteria will be used. Please provide justifications for the Use Permit (findings) and responses to the Review Criteria.

FINDINGS

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale; OR
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

Review Criteria	Discussion/Explanation
CATEGORY I: COMMUNITY CHARACTER addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image.	
A.	Is there sufficient current and future land use and transportation capacity to incorporate this project?
	One method of preserving “capacity” is through the development of non-employee (non-peak hour) generating uses, or through limited development of other sites (e.g. hotels or public utility sites). Staff maintains a database of “unused” floor area in a general development “pool” and subtracts from it approved projects >35% as they are approved. Adjustments are made as non-peak hour generating sites are built or removed.
B.	Does project use and design contribute positively to a City image and community character that reflects current and future “high-tech” Silicon Valley?
	Well-conceived and implemented architecture and design features contribute to community character, neighborhood compatibility, and the overall visual impact of the built community. The Sunnyvale General Plan supports a diversity of land uses and design while maintaining neighborhood integrity.
C.	Does the project include minor upgrading of the building for safety or special function purposes?
	Minor additions to the building and site plan may be necessary to address safety or special functions on a site. If these exceed 35% FAR, there may be specific circumstances, which warrant these additions.
D.	Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated?
	If the project abuts, or is near, a dissimilar zoning district or land use (particularly residential or public facilities) note efforts taken to improve compatibility and positively affect the character of the area.

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Review Criteria	Discussion/Explanation
<p>CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts.</p>	
<p>E. Does the project avoid or mitigate significant effects on the regional or City-wide roadway system? Is the project sited to avoid impacts on constrained intersections or roadway segments?</p>	<p>An environmental review, including a Traffic Impact Analysis (using a methodology adopted by the Congestion Management Agency), is currently required for most high FAR proposals. The findings may require the identification of specific transportation mitigations and/or the implementation of a traffic impact fee to address regional cumulative impacts.</p> <p>Transportation Mitigations: Identified as part of the traffic analysis and incorporated as parts of the condition of approval for project. Applicant makes or contributes toward transportation infrastructure improvements. One element of transportation mitigation is the traffic impact fee.</p>
<p>F. Are potential air quality impacts mitigated?</p>	<p>Most air quality impacts are associated with traffic. The reduction in total trips as well as peak-hour trips reduces air quality impacts.</p>
<p>G. Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips?</p>	<p>Provision of on-site services may reduce trip generation and adverse air quality impacts.</p>
<p>H. Does the project provide mixed uses on the site to complement the primary use and adjacent land uses?</p>	<p>A mixed-use development can result in a reduction in the number of vehicle trips by provision of on-site services (especially in projects located some distance from convenient retail and service opportunities).</p>
<p>I. Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops?</p>	<p>One component supporting transit usage and increasing ridership is the location of higher intensity uses within ¼ mile or of a light rail station or transit stop. This proximity promotes and encourages transit use. While ridership may be low compared to vehicle travel, there is a reduction in single-occupant vehicle trips.</p>
<p>J. Can identifiable and measurable negative impacts on City infrastructure and services be mitigated?</p>	<p>Project impacts are determined through the environmental review process. Depending upon the size of a project and its location, the impacts will vary. One area of concern is the cumulative impact of development and the need to maintain and expand capital facilities and City services to support development.</p>
<p>K. Is a Transportation Demand Management program planned for the site? Does it reduce traffic generally and promote transit use?</p>	<p>There are many techniques that comprise a successful Transportation Demand Management (TDM) program. A TDM program is often one element of traffic mitigation designed to minimize traffic impacts of a large project. TDM programs often include shuttles, van and car pools, flexible schedules, telecommunication policies, and other methods. The ability to sustain a successful TDM program has not been well documented.</p>

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Review Criteria	Discussion/Explanation
<p>CATEGORY III: SITE DESIGN AND ARCHITECTURE addresses several components of site design and architecture focusing on the visual features and aesthetics, techniques to reduce the bulk and mass of the buildings, ways to reduce the amount of surface parking on the site.</p>	
<p>L. Does the project demonstrate exemplary architecture and design through:</p> <ul style="list-style-type: none"> • use of unique and/or high quality building materials, singly and in combination • state of the art design and materials • introduction of significant, innovative and noteworthy architectural forms and elements • special or unique features of the site plan design and implementation 	<p>Site design and architecture are key components contributing to both community character and the visual and aesthetic impacts of a project on the surrounding community. In earlier discussions, policy makers have rated design, architecture, and building bulk and scale as the second most important criteria, following traffic and air quality.</p> <p>A state-of-the-art design may directly influence subsequent building forms and design standards. Excellent design and architecture make a City both more competitive and a desirable location for business location and expansion. In addition, each industry has building designs and forms that best serve their functions and business needs.</p>
<p>M. Does the project complement the City image and community character currently primarily low profile with a less intensive development density?</p>	<p>City’s image is a combination of functional elements and visual, aesthetic, scale, mass, building design and architecture. Several of these elements are also addressed in site design and architecture. City-wide Design Guidelines note the importance of implementing a variety of architectural forms and a diversity and range of land uses and architectural styles within the community. The City is currently at the “threshold” point regarding what the community character and image of the City will be over the next 20 years.</p>
<p>N. Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way?</p> <ul style="list-style-type: none"> • Façade and roofline variations • Reduction in the building footprint and significant increase of landscaping required by Zoning Code <p>Substantially greater setbacks than required by the Zoning Code.</p>	<p>There are various methods available to help lessen the visual, bulk, and mass impact of a development. Multi-story buildings require site plan and design techniques in order to minimize the impact on the surrounding neighborhood. The importance of setting a high standard cannot be overstated since it will dictate and influence the standards for subsequent buildings with and without higher FARs.</p>
<p>O. Does the site plan include techniques to reduce non-point source pollution?</p>	<p>Landscape plans should incorporate techniques to reduce non-point source pollution (i.e., stormwater management controls). These techniques lessen adverse environmental impacts, while enhancing the site design and potentially improving the overall visual impact of the site.</p>

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Review Criteria		Discussion/Explanation
P.	<p>Is a reduction in the amount of surface parking achieved?</p> <ul style="list-style-type: none"> • Significant reduction in the number of surface parking spaces • Provision of structured parking and/ or underground parking <p>Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park.</p>	<p>Parking design can make a major contribution to a successful site plan. While some parking is necessary and must meet minimum Zoning Code requirements, staff proposes that the visibility of parking be minimized through the use of various techniques.</p> <p>Note: Reduction in the number parking spaces is a technique to reduce vehicle trips particularly when a project is located adjacent or close to a LRT or train station.</p>
Q.	<p>Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations?</p>	<p>This criteria could be accomplished through “campus plans” to promote lot consolidation, more efficient use of parcels and more compatible development. It promotes comprehensive planning of the City. With a larger scale project, it could be developed in stages to ensure that the infrastructure and services are monitored and developed in parallel. Phased projects can be linked to the implementation of improvements and related mitigations.</p>
R.	<p>How is the calculation of the “effective” FAR being conducted? Does the size of the project warrant a different method of calculating the FAR?</p>	<p>In some instances, the “effective” FAR may be determined by calculating the FAR using a gross lot square footage, if there is a requirement to dedicate land, which is not triggered by the higher FAR.</p> <p>“Effective” FAR is generally calculated by gross building area divided by the net lot area. In some cases, it may be appropriate to utilize the gross lot area for projects larger than 35% FAR.</p>

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Optional Information	Discussion/Explanation
<p>CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. Please respond to as many as apply.</p>	
<p>1.</p>	<p>Does the project implement the goals of the Economic Prosperity Program?</p> <ul style="list-style-type: none"> • Relationship to the Sunnyvale General Plan. • Economic Development implications and business targeted for retention and attraction based on analysis of the Sunnyvale business profile. • Consistent with survey results, recommendations and the economic analysis. • Support “innovation” as defined in Joint Venture Silicon Valley 2010 report (www.jointventure.org).
<p>2.</p>	<p>Does this project have a significant net positive fiscal impact over the next 5-20 years? (<i>Items in Category IV, #1-4 are prepared by the City's Finance Department.</i>)</p> <hr/> <p><i>Applicant can submit additional information (bulleted items)</i></p> <ol style="list-style-type: none"> 1. Potential net revenue generation (could be calculated by comparing the proposed business to revenue generated by existing and related businesses). 2. Categories could include sales tax, property tax and construction tax. 3. Property tax and sales tax 5 to 20 year impact (from finance). 4. Revenues generated compared to additional cost of services. <hr/> <ul style="list-style-type: none"> • Multiplier (Source: Dept. of Commerce, Bureau of Economic Analysis- www.bea.doc.gov/bea/uguide.htm) • Local suppliers and related business
<p>3.</p>	<p>Does the project include the provision of on-site corporate headquarters and/or a “point of sale” office?</p> <ul style="list-style-type: none"> • Is the location the corporate headquarters? • Is location a “point of sale” office in Sunnyvale (significant because of the potential sales tax revenues)? • What kind of business activities would occur at the site?
<p>4.</p>	<p>To what extent does this project provide resident and/or youth employment opportunities both now and in the future?</p> <ul style="list-style-type: none"> • Resident and/or youth employment opportunities that would support both community and economic development goals (job training and potential employment). • Internships • Special training opportunities • Programs with schools • Identify current and planned programs.

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Optional Information		Discussion/Explanation
5.	Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale?	<ul style="list-style-type: none"> Does the job growth promote a vital economy consistent with ABAG projections and the Sunnyvale General Plan (Joint Venture Silicon Valley Network [www.jointventure.org] and ABAG [www.abag.ca.gov.] have 15 year projections regarding the type and number of jobs in Santa Clara County). To what degree does the proposed project complement the emerging industry “clusters” in Santa Clara Valley and the Economic Prosperity Economic Analysis: www.sunnyvale.ca.gov Quality and quantity of jobs and to what extent jobs parallel those of emerging industry as identified by JVSV, City’s economic analysis.
6.	To what degree do the proposed jobs generate related jobs and services in Sunnyvale?	<ul style="list-style-type: none"> What is the multiplier effect on related jobs and services (Department of Commerce- www.bea.doc.gov/bea/uguide.htm)
7.	The project is intended primarily for a single user or has common/shared management (Action Statement C4.2.2.)	<ul style="list-style-type: none"> Identify potential user(s) - single or multiple, type of industry.
8.	Can the applicant identify other community benefits that could be attributed to the proposed project.	<ul style="list-style-type: none"> Impact on other development in the area. How it contributes to character of the area (artwork, other beautification). Community involvement. Past involvement with the community programs. Related capital improvements that also benefit others. Can the applicant identify other community benefits that could be attributed to the proposed project? The applicant should have an opportunity to address what additional community benefits may be associated with the proposed project. The development will result in an overall positive community benefit.

Policy 1.1.14 Public and Private Street Rename Process and Criteria

POLICY PURPOSE:

This policy establishes a process for consideration of a request by a member of the public to rename a public or private street located within the city limits. This policy does not alter the existing street naming policy system. The policy also includes criteria to be used in consideration of requests to rename public or private streets.

POLICY STATEMENT:

It is the policy of the City to provide a process for consideration of the renaming of public and private streets located within the City limits. The following provides a procedural and processing format to accomplish the City's policy.

Process for a Public Street Rename Study

The street rename process for public streets shall consist of two steps; consideration of the initial request for a street rename study followed by processing of the formal application.

1. Initial request for a public street rename study:
 - A. A public street rename request shall be initiated in writing by one or more resident(s), business owner(s) or tenant(s), or by a home owners association or similar common ownership organization within the City of Sunnyvale, submitted to the Director of Community Development.
 - B. The written request must state the reason the change is being proposed, which street or streets are requested for consideration of a street name change and any proposed new name(s). A street map shall also be provided showing the location of the proposed street name change.
 - C. The Director of Community Development will schedule City Council consideration of the proposed requested street rename. The Director of Community Development shall prepare a staff report providing a brief analysis of the request.
 - D. At a public hearing, Council will, in its sole discretion, determine whether to allow the filing, with fee, of a street rename study.
2. Review of Public Street Formal Application:
 - A. If the request for a street rename study is approved by Council, consideration of the proposed street rename shall be initiated by the filing

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of a public hearing application (on a form provided by the Director of Community Development) along with payment of the required fee.

- B. The required fee shall be the currently applicable Legislative Actions/General Plan Amendments fee at the time the application is filed.
- C. The application filing shall include a statement as to the reason the change is being proposed, which street or streets are requested for consideration of a street name change and any proposed new name. A street map shall be provided showing the location of the proposed street name change.
- D. The Community Development Department shall process the application, and shall be authorized to determine, on a case by case basis, the appropriate scope of public outreach, public notice and neighborhood workshops that a given application may require.
- E. Community Development Department analysis of the rename request will include, at a minimum, consultation with the City's Department of Public Safety, the County of Santa Clara, Communications Department - Technical Services Division and the United States Postal Service.
- F. The Director of Community Development shall prepare a staff report providing a detailed analysis of the request including alternatives.
- G. At a public hearing, Council will approve the requested rename if it can make the finding that it is in the public interest of the City. Council action shall be by resolution.

Process for a Private Street Rename Study

The street rename process for private streets shall consist of the filing and processing of a Miscellaneous Plan Permit.

- A. A private street rename request shall be initiated by the filing of a Miscellaneous Plan Permit Application and fee by at least 50% of property owners (or by a home owners association or similar common ownership organization) whose property is addressed on the private street under consideration to the Director of Community Development.
- B. The required fee shall be the currently applicable Administrative Request/Extension of Time fee at the time of application filing.
- C. The Miscellaneous Plan Permit Application shall include a written project description stating the reason the change is being proposed, which street or streets are requested for consideration of a street name change and any proposed new

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name. A street map shall be provided showing the location of the proposed street name change.

- D. The Director of Community Development shall process the Miscellaneous Plan Permit Application consistent with Chapter 19.82 of the Sunnyvale Municipal Code.
- E. Appeal of the action taken by the Director of Community Development shall be considered by the City Council.

Street Rename Criteria

The following criteria shall be used in consideration of public and private street rename requests.

1. Number of Businesses/Residents Directly Affected
 - A. Directly affected: Consideration in this category would focus on the number of properties directly affected; the fewer properties the better.
 - B. Indirectly affected: Properties indirectly affected by the renaming of a street include those which take their address from a street that is accessed or served by the street under consideration. Consideration in this category would focus on the number of properties affected; however, the number of affected properties may be quite large due to the relationship of the street circulation grid.
2. Compatibility with Existing Street Naming System

Consideration of this criteria would include compatibility with the City's existing street naming system.
3. Appropriateness Given Types of Uses Along Subject Street

Consideration of this criterion would insure reasonable compatibility between land use and street name.
4. Recognition of Community Diversity

Consideration of this criterion would endorse evolving community diversity.
5. Recognition of Historical Significance

Consideration of this criterion recognizes the historical significance of existing street names and the importance in recognizing the potential future historical importance to current events and developments.

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6. Impacts on Emergency Services

Consideration of this criterion will ensure that replacement names for existing streets will not result in confusion related to efficient access for emergency purposes.

7. Costs

Consideration of this criteria will evaluate fiscal impacts to the City and affected community, and to consider which costs the applicant should bear.

8. Precedent

Consideration of this criteria will determine whether an action to rename a street might establish a desirable or undesirable precedent.

9. Continuity and Stability

Consideration of this criterion will evaluate the affect of a rename request on the public's general connection with the existing name.

10. Length of Street

Consideration of this criterion will review the alternative of renaming sections of the proposed street (as opposed to renaming the entire street) and how the length of such street sections may affect the continuity of the street.

(Adopted: RTC 02-147 (4/30/2002); Amended: RTC 02-206 (6/4/02); Clerical correction to original policy adoption date and RTC # (5/6/11))

Lead Department: Community Development

Policy 1.1.15 Residential Transportation Demand Management

POLICY PURPOSE:

It is the City's policy to promote a range of transportation choices within the City. The City also endorses locating high-density development along major transportation corridors and transit lines and in close proximity to services and employment. The purpose of this legislative policy is to augment these policies and address geographical opportunities to implement strategies for reduction in single occupant vehicle trips and total vehicle miles traveled from high-density residential development. Strategies to reduce single occupant vehicle trips and miles traveled are collectively referred to as Transportation Demand Management (TDM).

POLICY STATEMENT:

New development and redevelopment in High Density and Very High Density zoning districts in targeted areas are required to implement TDM techniques. Further, it is strongly encouraged that practicable TDM techniques be incorporated in all High and Very High Density residential development throughout the city. In addition, all types of attached housing development within a 1/3 of mile of major transit stops shall implement TDM design techniques. These requirements are applicable to Condominium Conversion projects and mixed-use development as well.

REQUIRED SITE DESIGN TECHNIQUES

Targeted development areas are required to implement site development features and encouraged to consider program TDM measures as practicable.

Required Site Development Features

1. Information kiosks on site or on adjacent right-of-way
2. On-site rideshare and carpool contact information
3. Secured and guest bicycle parking referenced to VTA Guidelines
4. Designated exclusive pathway connections to sidewalks

Optional Site Development Features

1. Encourage design of designated carpool loading area on site or immediately adjacent on the public street
2. Bus Shelter Improvements on adjoining streets

TARGETED TDM AREAS

1. Downtown Area

The Downtown Specific Plan recognizes the resources of the existing Caltrain Station and Multi-Modal station at Frances Street and Evelyn Avenue and has a land use framework for both commercial and residential development patterns supportive of these resources. The highest density of development is encouraged in this area due to the

access to the multi-modal station and the ability to maximize the investment in this facility. TDM techniques are required for all new and redeveloped Mixed Use and High Density Residential Blocks in the Downtown Specific Plan. Furthermore, High Density development within 1/3 mile of the Caltrain Station or within ¼ mile of El Camino Real whether part of the Downtown Specific Plan or not shall also implement TDM. Public and private resources should be allocated to support enhanced pedestrian and bicycle connections to the downtown area, specifically methods to increase connectivity for neighborhoods north of Downtown.

2. El Camino Real Corridor

It is the intent of the City of Sunnyvale to recognize that El Camino Real is more than a high volume automobile arterial but also the principle transit route in Sunnyvale with a complete sidewalk network. Sunnyvale supports high density zoning districts along El Camino Real where property is already designated for residential uses. Sunnyvale also supports mixed-use development for property zoned commercial rather than conversion to exclusive residential uses in an effort to maintain its current status as a commercial corridor destination serving the City. All mixed use and high density residential development with frontage along El Camino Real or within ¼ mile of El Camino Real shall implement TDM techniques.

3. Tasman / Fair Oaks Light Rail Corridor and ITR 7 and 8

The light rail corridor provides the greatest opportunity for transit access to a multitude of Silicon Valley's high tech employers in Sunnyvale, Santa Clara, San Jose, and Mountain View. The location is also conducive to bicycling and walking due to its close proximity to major Sunnyvale Employment areas. Industrial to Residential (ITR) designations are in place to the east of the Fair Oaks Tasman Light Rail Station. Enhanced bicycle and pedestrian connectivity and design guidelines were also adopted for the area in 2004. High density and commercially zoned portions of ITR 7 and 8 are required to further implement TDM per this policy. The city is supportive of developing high-density housing within the ITR residential areas as well as in conjunction with substantial commercial development at the intersection of Fair Oaks Avenue and Tasman Drive. However, the commercial zoning shall be maintained to provide needed services for the neighborhood and shall not be changed to exclusive residential development without identifying an equal alternative commercial location to serve the neighborhood.

Sunnyvale is also supportive of high-density Transit Oriented Design (TOD) nodes around the light rail stops for the future to maximize the existing transit facility investment. It is the policy of the city that for all new or redevelopment in the project area to have public sidewalks widened to increase service, safety, and comfort for pedestrians in the vicinity of transit.

4. Development within 1/3 of a mile of major transit stops

The proximity to transit stops and accessibility to alternative mode choices is the primary factor in maximizing alternative transportation to automobiles. Therefore, all multi-family dwellings within a 1/3 of a mile light rail station, Caltrain Station, or a high

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activity commuting to work bus stop shall implement TDM techniques. Further, when there is a request for change in general plan designation or zoning within 1/3 of a mile of major transit stop the City shall consider supporting higher densities.

(Adopted: RTC 05-221 (7/19/2005))

Lead Department: Community Development

Policy 1.1.17 Donation Trailers for Used Household Goods

POLICY PURPOSE:

Municipal Code section 19.20.030 allows the use of permanent trailers for the collection of used household goods in the C-1, C-2, C-3, and C-4 Zoning Districts with approval of a Use Permit or Special Development Permit. The policy statements below provide operation, location, and appearance standards for this use. The purpose of the policy is to maintain the high quality of Sunnyvale's commercial and residential areas by reducing the potential impacts associated with donation trailers.

POLICY STATEMENT:

It is the policy of the City of Sunnyvale that each application for a Use Permit or Special Development Permit for a donation trailer use, as defined in Municipal Code section 19.12.050, shall comply with the following conditions:

1. OPERATIONS

A. Status of Operators

- (I) The profit or non-profit status of a donation trailer operator shall not be a factor in granting any required permit.

B. Attendant

- (I) An attendant shall be present during all donation trailer hours of operation, and is responsible for placing items inside the trailer as well as providing general maintenance.

C. Hours of Operation

- (I) Flexible standards shall be established for donation trailer hours of operation.

D. After-Hours Donations

- (I) Provisions shall be made for the control of after-hours donations. Strategies may include:
 - (a) Post a sign on the trailer that warns against littering;
 - (b) Post a sign on the trailer providing contact information for the operator as well as contact information for the City's Neighborhood Preservation Division to allow surrounding

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residents to easily report any problems (*recommended addition by the Planning Commission*);

- (c) Post hours of operation;
- (d) Provide after-hours field security checks. If items have been deposited, dispatch a truck to pick them up.

E. Public Safety

- (I) Comply with Municipal Fire codes.

2. LOCATION

A. Acceptable sites

- (I) A donation trailer is permitted only in the parking lot of a shopping center or other large commercial site.

B. Visibility of Trailer

- (I) Donation trailer locations shall be selected to minimize visual impacts without compromising the safety of the attendant. It may be necessary for the trailer opening to face the public street or the parking lot for security reasons.

B. Proximity to Residential Uses

- (I) Care shall be taken to minimize potential adverse impacts on adjacent residential uses by appropriately sited donation trailers.

C. Parking and Circulation

- (I) Minimum parking standards shall be maintained for the affected site unless otherwise approved by a Variance.
- (II) In addition to parking spaces occupied by the donation trailer and any parking needed for patrons, an additional parking space shall be maintained for the trailer attendant.
- (III) The donation trailer shall be located to maintain adequate loading and unloading space.
- (IV) Vehicular and pedestrian circulation shall not be impaired by the trailer's location.

D. Visibility of Buildings and Signs

- (I) The trailer shall not block the view of any buildings or signs.

3. APPEARANCE

A. Trailer Exterior

- (I) Exterior trailer colors shall be approved by the Director of Community Development.
- (II) A portable skirt shall be erected to screen the trailer wheels and undercarriage from street and parking lot view. The material shall be solid and shall match or blend with the trailer color. Skirt details shall be approved by the Director of Community Development. If the skirt is constructed of fabric, the fabric material shall be replaced at least every five years.

B. Landscaping

- (I) Portable landscaping shall be installed around all sides of the trailer that are exposed to view from a street or parking lot. The open end of the trailer is exempt from this requirement. The landscaping shall be intensive in nature, including long rows or dense clusters of planter boxes with live trees and shrubs. Details of the portable landscaping theme are subject to approval by the Director of Community Development.
- (II) Portable landscaping shall be maintained in a neat and healthy condition at all times. A maintenance program, including manual irrigation methods, may be required for review and approval by the Director of Community Development.

C. Site Improvements

- (I) Minor site improvements, such as parking lot repairs, can be imposed if they are related to the trailer use.

D. Signage

- (I) Signs which are part of the vehicle's paint scheme, such as the organization's name painted name on the side of the trailer, shall be exempt from the Municipal Code sign requirements.
- (II) Any additional signage not part of the vehicle's paint scheme shall be considered a ground sign or wall sign subject to the Municipal Code sign requirements for commercial uses. All signs shall be reviewed and approved by the Director of Community Development.

(Adopted: RTC #08-223 (7/15/08))

Lead Department: Community Development

Policy 1.1.18 Public Outreach for Pending Land Use and Development Proposals

POLICY PURPOSE:

The City of Sunnyvale is committed to providing information and opportunities to encourage community members to follow development activity in their neighborhoods and to actively participate in the land use development process. The intent of this policy is to establish standards for delivering information to the public related to development activity and to encourage communication between City staff, applicants and the public.

The City Charter section 708 provides that the City Council shall adopt, by ordinance, procedures for the publication of notices or other matters required by law to be published and such procedures may include alternative means of giving legal notice including posting to the City Website using Internet or other appropriate technology where publication is not feasible and where such alternative methods are permitted by law. Title 19 of the Sunnyvale Municipal Code (SMC) specifies the types of notice required for pending land use and development proposals. At a minimum public hearing notices shall be sent to all property owners within a 300-foot radius of a development site a minimum of ten (10) days prior to the hearing. To meet the objectives of improving communication and providing the community with as much notification of proposed projects as possible, the City's policy goes beyond the State requirements for notification of major development proposals. The policies specified below are in addition to the legal requirements of the SMC and are intended to provide greater notice for certain development proposals.

POLICY STATEMENT:

The following processes shall be used by the Community Development Department to increase public awareness and foster community involvement in pending land use and development proposals in addition to the legal notice requirements provided by city ordinances and City Charter.

1. Community Meetings

The purpose of community meetings is to inform community members and other interested parties about the proposed development or policy issue and answer questions, receive public comment and address project issues before the Public Hearing. In an effort to create more public dialog prior to the project hearing(s), the Community Development Department will do the following:

- A. For projects requiring a Planning Commission or City Council Hearing:
 - (I). Continue to conduct community outreach meetings and/or surveys on non-specific site applications.
 - (II). Require applicants of Site-specific Applications (not including applications involving one single-family dwelling) that involve new construction to conduct community outreach with surrounding neighborhoods. The project applicant will

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also coordinate with City staff to assure that a staff member is in attendance at an applicant sponsored meeting.

- B. For projects that do not Require a Planning Commission or City Council Hearing:
 - (I). Encourage applicants of Site-specific Applications that may generate wide public interest (as determined by the Community Development Director) to conduct community outreach with surrounding neighborhoods. The project applicant will also coordinate with City staff to assure that a City staff member is in attendance at this applicant sponsored meeting.

2. On-Site Noticing

On-site noticing can be an effective way to notify the community of an upcoming public hearing by providing information to members of the public regarding a development application on file for the subject property. In an effort to alert the public to pending projects, the Community Development Department will require the project applicant to do the following:

- A. For all single-family second story additions:
 - (I). Post a streetscape elevation and public notice board in front of the single-family dwelling at least ten (10) days prior to the end of the required comment period.
- B. For projects that require a public hearing:
 - (I). Post public notices for Site-specific Applications on the project site at least ten (10) days prior to a scheduled hearing. For applications that involve new construction, encourage applicants to post a color rendering of the proposal with notices.
- C. For projects that require a Planning Commission or City Council hearing:
 - (I). Post public notices for Site-specific Applications on the project site at least ten (10) days prior to a scheduled hearing. For an application that involves new construction, require applicants to post a color rendering of the proposal with notices.

3. Public Hearing Notice

The City Council recognizes the importance of using larger radius noticing as a tool to broaden the awareness of community members in the immediate area of a pending land use or development action. Therefore, the City's Policy goes beyond the State requirements for notification to keep the community informed about land use and development decisions and to promote an open process that encourages genuine and effective involvement with all stakeholders. In an effort to keep the community informed, the Community Development Department will do the following:

- A. For projects that require a mailed notice:
 - (I). Continue to exceed the state requirement by mailing the public notice to tenants within the mailing radii, in addition to the property owners, applicants and applicable government agencies.

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- (II). Deliver a public notice to a larger radius than 300 feet that:
 - a. Contains a general project description that is easy to understand and identifies potential issues associated with the project;
 - b. Clearly shows the hearing date/time/place and hearing body in large print;
 - c. Contains staff contact information that is easy to find; and
 - d. Contains a map/text or diagram of the project location that is easy to read.

B. For projects that require a public hearing:

- (I). Increase noticing radii requirements for projects based on the height of the building per the following table:

Application Type/Special Uses	300 feet	1,000 feet	2,000 feet
1-2 stories (or up to 30')	X		
3-5 stories (or up to 50')		X	
6+ stories (or above 50')			X

- (II). Expand the noticing radius (at the Community Development Director's discretion) beyond what is required for applications that involve public noticing and have the potential to have a high degree of interest from surrounding neighborhoods.

C. For projects that require a Planning Commission or City Council hearing:

- (I). Require applicants of Site-specific Applications that involve new construction or that modify the appearance of the project site to submit a compressed digital copy of a rendering to include in the public notice.
- (II). Continue to use the noticing radii requirements for projects within the Peery Park District based on the Council decision in October 2013. (Council decision 10/8/13).

D. For Projects that do not Require a Planning Commission or City Council Hearing:

- (I). Encourage applicants of Site-specific Applications that may generate wide community interest (as determined by the Community Development Director) and that modify the appearance of the project site to submit a compressed digital copy of a rendering to include in the public notice.

4. Other Modes of Outreach

- A. **E-mail** – Staff will maintain an e-mail contact list of neighborhood association contacts, interested parties and companies that do business within the City of Sunnyvale. Staff will use this e-mail list (when appropriate) to send public notices, information on community outreach meetings and other pertinent project information.

B. **Website**

- (I). Public Notices – City staff will maintain a place on the City's website where public notices for items requiring a public hearing will be posted. The notices will be posted on this site at least 10 days prior to the hearing date and will remain on

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the site until the appeal period for the project is concluded. This website will also include definitions of terms used on the public notices that may not be understood by the general public.

- (II). Pending Projects – Staff will maintain a place on the City’s website where project information for major development projects will be posted. This information will be posted shortly after a formal project application is filed.
 - (III). Public Hearing Agendas - Staff will continue to make the public hearing agendas and project report available on the City’s website.
- C. **City Manager Blog** – City staff will use the City Manager’s blog to inform the public about upcoming community meetings and pertinent project information.
- D. **City Bulletin Boards** – City staff will post public notice display ads for Planning Commission hearings on the City’s official-notice bulletin board outside City Hall. A copy of the agenda, project report and environmental documents (when applicable) are also available for review at the Sunnyvale Library.
- E. **Social Media** – When possible, staff will use forms of approved social media to inform the public about community meetings, project surveys and other pertinent project information.
- F. **Demolition Notice** – At the time the permit is issued, staff will mail a notice of demolition to occupants and owners of immediately adjacent properties for all projects involving the complete demolition of a residential structure in the R-0, R-1 and R-2 zoning districts when the demolition permit is issued separately and is unconnected to any other type of discretionary permit. Staff may also send a notice of demolition permit for projects involving the demolition of a major non-residential structure, as determined by the Community Development Director, to occupants and owners of immediately adjacent R-0, R-1 and R-2 residential properties when the permit is issued separately and is not connected to any other type of discretionary permit.

Lead Department: Community Development

(Adopted: RTC #14-0283 (August 26, 2014))

Policy 1.2.2 Transportation Impact Mitigation

POLICY PURPOSE:

The purpose of this policy is to assist in the implementation of policies contained in the Land Use and Transportation Element of the General Plan. It is based on recognition that those developments creating impacts should bear a proportionate burden of the costs of those impacts. The policy is designed to assist in the financing of needed traffic improvements. It is also designed to encourage alternative modes of transportation thereby reducing air pollution and encouraging energy conservation.

POLICY STATEMENT:

It is the policy of the City to provide adequate transportation facilities and encourage alternative modes of transportation to reduce air pollution and conserve energy. Further, it is the policy that those creating negative impacts on the transportation system should pay an equitable amount of the cost of providing those facilities. Therefore, transportation impact mitigation measures shall be assessed equitably against all types of new development projects, including residential. The type of mitigation assessment shall be directly related to and in proportion to the impact attributable to any given project. Mitigation measures may include:

- Street dedication and improvements
- Installation of curbs, gutters and sidewalks
- Street lights
- Street trees and landscaping
- Acceleration and deceleration lanes
- Traffic signals
- Intersection improvements
- Bus stops and turnouts
- Preferential parking for car pools and van pools
- Bicycle lockers

Each project shall be reviewed by staff to determine the likely impacts from that project and the assessment shall be based upon an analysis of the transportation impacts that can be attributable to that project.

(Adopted: RTC 81-509 (8/18/1981))

Lead Department: Department of Public Works

Policy 1.2.3 Bicycle Facilities on City Streets

POLICY PURPOSE:

The purpose of this policy is to provide adequate width of pavement that complies with CalTrans standards on City arterials for bicyclists. It is the City's intent to provide for safe, accessible bicycle facilities systems on arterial streets, over a period of time. It is designed with the intent of including the construction of bicycle facilities as streets are widened to increase traffic capacity.

POLICY STATEMENT:

It is the policy of the City to provide adequate bicycle facilities on arterial streets through the combined efforts of the City in street widening projects and private developments which have been required to participate in off-site improvements.

The City will approach tentative street widening projects with a bias for including adequate street pavement for bicyclists in accordance with CalTrans standards. In making a final determination, the City will review the project in terms of safety, continuity, need and cost. Other factors may be considered depending on project specifics.

If most or all factors are positive, the City will include recommended widening for bicyclists in City street widening projects and in widening requirements for certain select private development projects.

If, after reviewing the project, the City staff determines that providing bicycle facilities as part of a widening project is not appropriate, the matter will be placed on a City Council meeting agenda for review and a final determination.

(Adopted: RTC 91-062 (2/19/1991); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Department of Public Works

Policy 1.2.4 Traffic Calming

POLICY PURPOSE:

The purpose of this policy is to assist in the implementation of policies contained in the Land Use and Transportation Element of the General Plan. The policy is designed to assist in the consideration and implementation of traffic calming measures and is based on evaluation of the benefits and issues associated with implementation of traffic calming measures.

POLICY STATEMENT:

The City shall utilize a Stage 1 traffic calming program to address neighborhood traffic concerns as constrained by budgets. Stage 1 actions shall include meeting with neighborhood residents; performing speed, volume and other traffic studies; providing enforcement; deploying speed radar trailers; and reviewing roadway signing and striping and making modifications or additions as necessary.

The City shall utilize a Stage 2 traffic calming program involving a neighborhood involvement process. This process shall consist of the following:

- Stage 1 traffic calming actions as an initial response to the problem
- Determination of required findings prior to consideration of Stage 2 traffic calming devices. Required findings include 85th percentile speed greater than 32 miles per hour, 95th percentile speed greater than 35 miles per hour, or average daily traffic greater than 1,000 vehicles per day on residential streets not designed to serve traffic entering or leaving a neighborhood (collector streets).
- Petitioning of residents to determine neighborhood support for Stage 2 traffic calming device installation
- Reporting to Council a description of the possible actions, the likely cost, potential impacts and a complete summary of the petition process and results
- Determination by Council whether to undertake Stage 2 study
- Development of neighborhood consensus on a Stage 2 traffic calming program proposal, balloting of affected residences and businesses, and determination of majority support to continue with consideration.
- City Council consideration of Stage 2 traffic calming program proposals with majority resident and business support.

(Adopted: RTC 97-409 (2/04/1997))

Lead Department: Department of Public Works

Policy 1.2.5 Parking Enforcement

POLICY PURPOSE:

The purpose of this policy is to delineate the general approach to on-street parking enforcement in the City. It is based on evaluation of the benefits and issues associated with differing levels of regulation and enforcement of on-street parking restrictions. The policy is designed to assist in the consideration and implementation of on-street parking regulations and enforcement.

POLICY STATEMENT:

The City shall respond to requests for parking enforcement of existing parking regulations as provided for in the Municipal Code. On-street parking situations which do not present an immediate hazard to life and safety will not be viewed as a top priority for enforcement actions; however, the Public Safety Department strives to provide fair and consistent enforcement of all City parking regulations.

(Adopted: RTC 98-258 (07/28/1998); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Department of Public Safety

Policy 1.2.6 Roundabout Intersections

POLICY PURPOSE:

The purpose of this policy is to assist in the implementation of policies contained in the Land Use and Transportation Element of the General Plan. It is based on evaluation of the benefits and issues associated with implementation of a specific type of intersection design, the roundabout. The policy is designed to assist in the consideration and implementation of roundabout intersections.

POLICY STATEMENT:

The City shall actively evaluate possible candidate locations for roundabouts. The City will consider the use of roundabouts as a traffic control alternative for future traffic control installations at major city intersections, and as part of the “Stage 2” traffic calming strategy for minor residential streets, particularly locations with significant collision history.

(Adopted: RTC 00-417 (12/19/2000))

Lead Department: Department of Public Works

Policy 1.2.7 Acquisition, Leasing, and Disposition of City-Owned Real Property

POLICY PURPOSE:

This policy addresses the City's need to acquire, lease, and dispose of land in order to provide services to the community now and in the future.

It is the purpose of this policy to provide guidance for the acquisition, lease, and disposition of City-owned real property. A cautious, deliberate, and flexible decision-making process is needed to manage the City's real property assets.

POLICY STATEMENT:

In all real property transactions, consideration must be given to the City's near and long-term goals and the public benefit derived from the use. Using an approach that will best accomplish the City's objectives given the circumstances at the time should be the guiding principle. It is the City's policy to manage its real property assets to further City goals.

1. Acquisition of Real Property for Municipal Purposes

Real property shall be acquired for current or future municipal purposes, and/or to benefit the community. The City shall acquire real property in accordance with Sunnyvale Municipal Code Section 2.07 and the following:

- A. Offers to purchase real property shall only be made after a budget appropriation has been approved by the City Council that identifies the amount of funds available and the purpose of the acquisition. Once a budget appropriation has been approved, authority to make offers to purchase real property is delegated to the City Manager up to the appropriation limit for the purposes identified when funds were appropriated.
- B. Prior to an offer being made, an estimated value shall be established with a final value determined by a qualified appraiser. The appraised value shall be provided to City Council prior to its final decision to purchase real property.
- C. Every effort shall be made to acquire real property through negotiations, reserving the use of eminent domain for those circumstances when immediate possession is required and the parties have reached impasse (property cannot be acquired through negotiation at a cost approximating current market value).
- D. A high priority will be given to acquiring undeveloped land needed to meet City goals. Developed land should be acquired in reasonable proximity to the time the property is desired for City purposes.

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- E. Prior to the acquisition of real property, a professional title search shall be completed.
- F. The City shall comply with the requirements of the California Environmental Quality Act.
- G. The City may choose to be represented by a broker or other third party professionals in acquiring real property due to the complexity of the transaction, market conditions and other circumstances at the time. The selection of a real estate broker to provide real estate services shall be subject to the City's adopted procurement procedures for professional services.

This policy shall not apply to acquisition of real property when accepted by donation, dedication via the development review process and/or in-lieu of fees, right-of-ways, easements, or by property exchange.

2. Lease of City-Owned Real Property

Real property held for future use may be leased for profit when deemed appropriate and favorable to the City and in accordance with Sunnyvale Municipal Code Chapter 2.07. Property leased to outside entities should be based on the current market rent except when Council finds there is a public purpose for leasing at a lower rate.

- A. Revenue from the leasing of City-owned property shall be deposited into the Fund in which the property was purchased, except when a fund no longer exists, it will be at the direction of the Awarding Authority as per Municipal Code 2.07

3. Disposition of Surplus Property

Real property that is no longer needed for current or future municipal purposes, which does not provide a direct benefit to the community, shall be considered surplus property. Disposing of surplus property shall be done in a manner to maximize the benefit to the community and should be done whenever real estate market conditions are favorable to the City. Disposition of City-owned real property shall be done as follows:

- A. The City Council, by resolution, shall declare City-owned property as surplus property and authorize sale/lease of property in compliance with the requirements of Government Code Section 54220 related to the sale of surplus land. The decision by City Council to declare City-owned property surplus shall be made during a public hearing. Public notice of the hearing shall include mailed notices to surrounding residents and/or property owners not less than 10 calendar days before the public hearing. Mailed notices shall be sent to a minimum of a 500 foot radius for properties of less than one acre and not less than 1,000 feet for properties greater than one acre.

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- B. Determination on Value of Land - The City shall evaluate the benefit of the sale of surplus property based on relevant factors including: (a) the value of the property based on an appraisal or broker's opinion of value, as appropriate, which is not more than six (6) months old at the time the property is presented to the City Council to complete the sale of a property, except that an appraisal will not be needed on property that does not exceed \$50,000 in value; (b) prevailing economic conditions and recent applicable trends, and (c) any special benefits to the community accrued from the sale, or exchange.
- C. The City shall comply with any applicable state or federal laws for disposal of certain types of properties (e.g., parks, roads, private deed restrictions, affordable housing).
- D. The City may use any of the following methods or combination thereof to maximize the benefit to the community. Methods of disposition should be determined on a case-by-case basis and may include:
- Auction
 - Negotiated Sale
 - Exchange
 - Lease
 - Request for Proposal

Discounts will not be negotiated unless an extraordinary need or circumstance is recognized by the City Council prior to negotiation, setting forth the amount of the discount and the justification for it. The purpose of this requirement is to demonstrate to the community that the City is not making a gift of public assets.

- E. Costs associated with the disposition of property shall come from proceeds of the sale or charged to the fund which owns the property. Unless otherwise directed by the City Council, net proceeds from disposition of surplus property owned by the General Fund shall be placed into the General Fund Reserve for Capital Improvements. Proceeds from the sale of land or facilities originally purchased with monies from a specific fund shall be returned to that fund, except when a fund no longer exists, it will be at the direction of City Council.
- F. Sales of real property shall be on an all-cash basis or on other terms at the discretion of the City Council and in the best interest of the City.
- G. Broker Representation - The City may represent itself in real estate transactions; however, the City may from time to time authorize a brokerage agreement for the disposition of property. In such cases, the brokerage fee shall be as specified in the agreement between the City and the broker. The selection of a real estate broker to provide real estate services shall be subject to the City's adopted procurement procedures for professional services.

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((Adopted: RTC #14-0205 (April 29, 2014))

Lead Department: Department of Public Works

For reference, see also: Sunnyvale Municipal Code Title 2 Chapter 2.07

Policy 1.2.8 Transportation Analysis Policy

POLICY PURPOSE:

The purpose of this policy is to update the transportation impact analysis criteria to include both Vehicle Miles Traveled (VMT) and Level of Service (LOS), to comply with State law.

The VMT policy is designed to provide guidance in the preparation of transportation analysis for land use and transportation projects as part of the environmental review process to comply with the California Environmental Quality Act (CEQA). It is also designed to promote reduction of greenhouse gas emissions by reducing driving alone; promoting mixed use development near transit; and, building out the multimodal transportation network.

In addition to adoption of VMT as the measure of transportation environmental impacts, this policy includes a requirement for a local transportation analysis to include Level of Service operational analysis to ensure intersection and roadway efficiency and to comply with the Congestion Management Program.

In support of this policy, Sunnyvale's General Plan provides a long term blueprint for the community's vision of future growth. The General Plan strategically links land use and transportation to reduce the environmental impacts of growth by promoting compact mixed-use development that supports walking, biking and transit, multimodal streets, and complete communities with less dependence on automobiles. The General Plan focuses new development in key areas, bringing together office, residential, and service land uses to reduce VMT and encourages the use of non-automobile transportation modes.

POLICY STATEMENT:

This policy requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) as required by CEQA; and also establishes Level of Service (LOS) as an operational measurement of intersection efficiency, which is not defined as transportation environmental impact per CEQA.

Measuring Vehicle Miles Traveled (VMT)

The following sections define the types of projects and their requirements for analyzing VMT, the criteria under which projects are not required to analyze VMT, and the thresholds for identifying significant transportation impacts.

1. Land Use Projects.

For residential and employment projects, projects will use the Countywide Average VMT as the baseline with a VMT reduction threshold set at 15% below the baseline to identify potential transportation impacts and propose mitigations.

2. Exemptions

The requirement to prepare a detailed VMT analysis applies to all Projects except the following types as these projects will further the City's goals and policies and will not result in significant transportation impacts.

- A. Small Infill Projects (110 daily trips or less).
- B. Neighborhood-Serving Retail/Service Development uses (maximum 100,000 square feet total for entire commercial development), similar to uses permitted by right or with a Miscellaneous Planning Permit (MPP) in the C-1 (Neighborhood Business Zoning District) subject to evaluation by the Director of Community Development. Such uses not considered neighborhood-serving include auto dealerships, car wash/repair facilities, drive-thru restaurants/services, restaurants with banquet halls, hotels, and similar uses that have a regional draw.
- C. City Facilities such as fire stations, parks, community centers, branch libraries.
- D. Restricted Affordable Housing Projects that meet the following:
 - (I) **For rental developments:** At least 25% of the proposed residential units dedicated as affordable to households up to 80% AMI. The developer shall meet the requirements for the City's Rental Inclusionary (SMC Ch. 19.77), and then may provide the remainder of the required units at low income.
 - (II) **For ownership developments:** At least 25% of the proposed residential units dedicated as affordable to households up to 120% AMI. The developer shall meet the requirements for the City's Below Market Rate Ownership Inclusionary (SMC Ch. 19.67).
 - (III) **For either type of development:** The development may utilize the State Density Bonus, however 25% of the total constructed units on site must be deed restricted. Prior to the issuance of any building permit for the project, an Affordable Housing Regulatory Agreement shall be recorded against the parcel(s) which sets rent and occupancy restrictions for fifty-five years and shall run with the land through any change of ownership.
- E. Transportation Projects that reduce or do not increase VMT including, but not limited to:
 - (I) Roadway maintenance, rehabilitation and safety improvements;
 - (II) Installation or reconfigured traffic lanes to provide left-turns, right-turns, etc.;
 - (III) Conversion of existing lanes to managed or transit lanes;
 - (IV) Multimodal improvements that promote walking, bicycling and transit;
 - (V) Technology projects that optimize intersection operations, and traffic metering systems, detection, cameras and other electronics designed to optimize traffic flow;
 - (VII) Installation of traffic control devices and roundabouts;
 - (VIII) Relocation or removal of parking; and

- (IX) Installation of publicly available alternative fuel/charging infrastructure.
- F. Transit Supportive Projects (office/R&D projects with a floor area ratio of more than 75% or a residential project of at least 35 dwelling units/acre) within ½ mile of an existing major bus stop or existing stop along a high quality transit corridor that meet all of the following requirements:
 - (I) Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation;
 - (II) Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards;
 - (III) Is transit oriented in design:
 - a. Has a walkable design that prioritizes pedestrians;
 - b. Is sustainable, and compact;
 - c. Facilitates ease of bicycle use;
 - d. Is focused or centered around transit; and
 - (IV) Redevelopment of a site which provides at least as many affordable units as previously existed.

3. Transportation Projects

Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges. Transportation projects that add vehicle capacity to the roadway network will be required to analyze:

- A. Direct, indirect and cumulative effects of the transportation project
- B. Near term and long term induced vehicle travel in total VMT
- C. Consistency with state and local greenhouse gas reduction goals
- D. Impacts on the development of multimodal transportation networks
- E. Impacts on the development of diversity of land uses

4. Regional Projects

For projects such as regional retail, hospitals, stadium, sports complexes, or schools that are not regulated by a Public School District or that require permits from a local jurisdiction, a net increase in total VMT may indicate a significant transportation impact.

Local Transportation Analysis Requirement

In addition to conforming to the VMT CEQA requirements above, all land use and transportation projects may be required to perform a Local Transportation Analysis which may include but not limited to:

- A. Level of Service Analysis using the following methodologies:

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- (I) The acceptable LOS standard for intersection operations is LOS “D” or better for Sunnyvale intersections, LOS “E” for locally designated intersections along regionally significant roadways and Regional transportation facilities as defined by the Congestion Management Program (CMP).
 - (II) Intersection selection. Study intersections will be selected based on the following criteria:
 - a. Within a ½ mile radius surrounding the project. Larger projects (400 peak hour trips or more) may require a larger radius up to a maximum of a 2-mile radius surrounding the project.
 - b. Provides access and circulation to/from the project
 - c. Intersections currently operating at D or worse
 - d. CMP intersections supporting the project traffic as regulated by the VTA guideline for CMP intersection selection.
- B. Addressing operational deficiencies:
- (I) An operational deficiency at a Sunnyvale intersection will be identified when a project’s added vehicle traffic causes the intersection to degrade from LOS “D” to LOS “E”, or for intersections operating at LOS “E” or LOS “F”, the addition of 1% to the critical vehicle/capacity ratio and an increase in critical delay of 4 seconds or more.
 - a. To address an operational deficiency, a project must propose an improvement to the intersection which may include:
 - 1. Traffic signal modifications, construction of additional turn lanes
 - 2. Improvements to the pedestrian, bicycle facilities within the intersection or proximate to the intersection
 - 3. Improved access to transit or transit facility proximate to the intersection
 - 4. Transportation demand management (TDM) measures that will reduce the project traffic at the intersection and improve the deficiency
 - (II) A CMP intersection will be out of conformance with the CMP standards when a project’s vehicle traffic causes the intersection to degrade from LOS “E” to LOS “F”, or for intersections operating at LOS “F”, the addition of 1% to the critical vehicle/capacity ratio and an increase in critical delay of 4 seconds or more.
 - a. To bring CMP intersections into conformance with the CMP standards, projects must implement improvements necessary to address the projects degradation of CMP facilities.
- C. Multimodal analysis on pedestrian, bicycle and transit facilities.
 - D. Traffic signal warrant studies and other intersection traffic control.
 - E. Site Access and Circulation.
 - F. Neighborhood cut-through, traffic calming.
 - G. Queuing at nearby freeway ramps.
 - H. Freeway operations.

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(Adopted: RTC 20-0640 (June 30, 2020))

Lead Department: DPW

2.0 Long-term Advocacy Positions – Community Development

2.1 Economic Development

- (4) Advocate and support research and development funding that increases and capitalizes on the capabilities of our existing industries or emerging technology business development, including chip manufacturing, artificial intelligence, bioscience, information technology, nanotechnology, biomedical device manufacturing, and stem cell and medical research, and increase the role of federal research and development in civilian research and technology. Support programs that promote continued/increased research and development that is innovative, entrepreneurial and has growth potential. *[Combined from two policies that first appeared in 1994; Modified 2003 Community Development Staff Recommendation; 2003 Community Development Staff Recommendation, 2005 modified by staff]* (Moved to long-term Council Policy, RTC 12-009, February 7, 2012, RTC 22-0061, January 25, 2022; Modified RTC 24-0102, January 30, 2024) **Lead Dept. OCM**
- (6) Support efforts to identify, assess, and mitigate key obstacles to business development in California, including workers compensation insurance and government regulations negatively impacting business. *[2003 Community Development Staff Recommendation/2006 NLC Resolution]* (Moved to long-term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. OCM**
- (8) Urge the federal government to provide economic stimulus assistance to businesses and local economies that experience economic injury because of incidents that include terrorist attacks, natural disasters, national economic recessions/market instability/credit crises, or pandemics. *[2002 NLC Resolution; 2003 Community Development & Public Works Staff Recommendation; 2006 Community Development staff recommendation; 2009 Public Works staff modification]* (Moved to long-term Council Policy, RTC 12-009, February 7, 2012, RTC 22-0061, January 25, 2022) **Lead Dept. OCM**

2.2 Open Space

- (1) Support legislation to prohibit the sale, exchange, or transfer of park land already held in the public trust and urge the adoption of comprehensive federal policies for protection and management of all park lands. *[First Appeared 1993/2002,2003,2006 NLC Resolution; Modified/2003 Parks & Recreation Staff Recommendation; 2009 Public Works staff modification]* (Moved to long-term Council Policy, RTC12-009, February 7, 2012; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. DPW**
- (2) Support full funding annually and encourage Congress to allocate 40% of the funds for state and municipal projects. Urge Congress to authorize 20% of Outer Continental Shelf revenues to fully fund the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Program to assist the recreation needs of

economically distressed communities. [*First Appeared 1993/2002,2003,2006 NLC Resolution; Modified/2003 Parks & Recreation Staff Recommendation*] (Moved to long-term Council Policy, RTC 12-009, February 7, 2012; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. DPW**

- (3) Support efforts to minimize the impacts of waterfowl hunting on the Don Edwards San Francisco Bay National Wildlife Refuge where hunting is in proximity to public access areas or adjacent to City of Sunnyvale operations. [*2008 LAP*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. DPW**
- (4) Support strengthening wetlands protection. [*2008 LAP*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. DPW**

2.4 Safety and Seismic Safety

- (1) Support effective earthquake mitigation programs for all housing through a pre-funded disaster recovery program. [*1990 Ballot Initiatives–Props. 122 and 127/Modified 1993 and 1996*] (Moved to long-term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. FIN/CDD**
- (4) Support legislation that fundamentally promotes public health and safety, while sustaining the ability of local agencies to appropriately regulate businesses and recover costs. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. DPS**
- (5) Support legislation that promotes public health and safety by mirroring Sunnyvale’s existing restrictions imposed on smoking in outdoor areas and public gathering places. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. DPS**

(Adopted: RTC #09-046 (February 24, 2009); Revised RTC: #12-009 (February 7, 2012); Adopted w/ modification, RTC #15-0008 (January 6, 2015); Revised: RTC #18-1064 (January 1, 2019); Adopted w/ modifications: RTC #21-0025 (January 12, 2021); Adopted RTC 22-0061 (January 25, 2022); RTC: 23-0158 (January 24, 2023); RTC 24-0102 (January 30, 2024))

**No record of LAP origin.*

Policy 2.2.1 Open Space and Recreation Policies

Note: The following policies are specific to open space and recreational services, facilities and amenities in the City of Sunnyvale. Open space and recreational services, facilities and amenities are subject to additional policies that can be found in other City documents. In particular, no fiscal policies regarding open space and recreation are included below. Instead, fiscal policies for the entire City are found in the Fiscal section of the Planning and Management Chapter. Similarly, no policies related to public input are included. Those related City-wide policies can be found in the Community Engagement section.

Planning

- Policy 2.2.B.8. Provide reservation advantages to resident participants over non-Resident participants in recreational programs and activities.
- Policy 2.2.B.9. Consider Sunnyvale employees as Sunnyvale residents for the Purposes of determining eligibility for reservation advantages
- Policy 2.2.B.10. Develop such fiscal practices as pricing, fee structures and cost recovery targets for open space and recreation programs and services consistent with the City's Fiscal Management policies.
- Policy 2.2.B.11. Require all participants of designated City recreation programs and activities to sign liability waivers prior to participation.
- Policy 2.2.B.12. Require all participants of designated City recreation programs and activities to sign photo releases prior to participation, unless an exemption is granted by the Director of Library and Community Services.
- Policy 2.2.B.13. Limit the display and distribution of printed material at Recreational buildings and facilities to those programs and events that are sponsored by the City of Sunnyvale and have received prior approval by staff; and post compatible non-City materials as space is available as determined by staff.

Access

- Policy 2.2.E.4. Utilize the Senior Center for senior programming and services exclusively between 8 a.m. and 6 p.m. Mondays through Fridays unless special permission is granted by the Director of Library and Community Services.

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- Policy 2.2.E.5. Utilize the Senior Center Pavilion and Recreation Center Ballroom exclusively for rental use from 6 p.m. Fridays through 8 a.m. Mondays unless special permission is granted by the Director of Library and Community Services.
- Policy 2.2.E.6. Require that all participants in Senior Center designated programs and services for seniors be at least 50 years of age, unless special permission is given by the Director of Library and Community Services.
- Policy 2.2.E.7. Provide opportunities for non-reserved use of picnic tables at each site within the open space system that has reservable picnic sites.
- Policy 2.2.E.8. Allow opportunities for non-reserved, unstructured use of open space.
- Policy 2.2.E.9. Allow in-line skating, bicycles and skateboarding on hard-surface sidewalks and pathways throughout the park system, as long as the skateboarders, cyclists and in-line skaters do not pose a hazard to themselves or other forms of traffic such as pedestrians or joggers.
- Policy 2.2.E.10. Provide public access to Orchard Heritage Park to the greatest extent possible while meeting the goal of maintaining a working fruit orchard at the park.
- Policy 2.2.E.11. Allow exclusive use permits for open space sites as per Appendix V, Exclusive Use Permits Guidelines.

(Adopted by Resolution 201-06; RTC 06-032 (1/24/2006), Updated for clarity (6/29/06), Updated for clarity (7/20/06); Resolution 376-09, RTC 09-086 (4/28/09); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 2.2.3 School Open Space City/School Development

POLICY PURPOSE:

The purpose of this policy is to facilitate joint development, maintenance and use of school open space between the City and school districts serving Sunnyvale in order to assure community members the best use of public-owned open space.

POLICY STATEMENT:

OPEN SCHOOL SITES

The City of Sunnyvale and each school district will consider, on an individual basis, the capital improvements to the open space and recreation facilities that will best serve the community. The City and school districts will each pay 50% of capital improvement costs for facilities that are to be mutually used. Any other capital improvements desired by either the City or school districts will be paid for by the agency desiring the improvements. In some instances capital costs for facilities might be split on an unequal percentage basis, based on the use. At the time the decision is made to jointly fund capital improvements, consideration will be made as to who will provide ongoing maintenance of the facility. If it is jointly agreed that the City will assume maintenance it will be on a 50%-50% cost sharing basis. In unique circumstances the City may, through joint agreement, assume a higher percent of operating costs. Unique circumstances include sites where facilities are designed and improved primarily for use as park and recreation facilities rather than school use.

CLOSED SCHOOL SITES

The City of Sunnyvale, cooperating with the school district, will consider on an individual basis the capital improvements to open space and recreation facilities at closed school sites that, if sold, would be of a high priority for purchase by the City as designated in the City's Open Space Sub-Element. The City will pay all capital improvement, maintenance and operating costs. This paragraph applies only in those circumstances where the portion of the site to be renovated is the same as that which the City would consider for acquisition if a given School District declared the property surplus.

AGREEMENTS

Prior to the development the City and school district will enter into a License Agreement that will assure equitable use which will provide the community with maximum use of their facilities.

(Adopted: RTC 85-090 (3/5/1985); (Updated for clarity, Policy Update Project 8/2005); Administrative Update (March 2012))

Lead Department: Department of Library and Community Services

Policy 2.3.2 Housing Incentive Fund

POLICY PURPOSE:

The purpose of the Housing Incentive Fund is to implement specific housing policies of the Housing and Community Revitalization Sub-element of the City's General Plan by providing a funding source to defray construction costs and make possible the rehabilitation and new development of housing affordable to low income persons.

POLICY STATEMENT:

It is the policy of the City of Sunnyvale to utilize monies received as Housing Mitigation Fees as a Housing Incentive Fund. The Housing Incentive Fund shall be available to all developers proposing to construct, preserve affordability or rehabilitate rental housing within the City of Sunnyvale which is primarily occupied by persons earning 80% or less of the county median income.

Types of Projects

New Construction and Preservation Projects. For projects that have 100% of the units affordable to households earning 80% of the median income or less, the incentive fund can contribute 100% of the cost of items listed below.

1. Land writedown
2. Public utilities
3. Undergrounding of electrical lines
4. Required street improvements
5. Water and sewer facilities
6. City fees or assessments which pay the project's share of the items listed in items 1-5 above.
7. Fees associated with processing of applications for mortgage insurance and insured loan commitments under programs including those administered by HUD, FMHA, FNMA and GNMA.
8. Other redevelopment and construction costs.

Rental Rehabilitation Projects. For projects that have 51% to 100% of the units affordable to persons earning 80% or less of the median income, the incentive fund can contribute 100% of the cost for items eligible to be funded under the City's Rental Rehabilitation Program. All loans require specific City Council approval.

Underwriting Criteria

Sunnyvale provides loans (not grants) to assist with the financing of real estate projects. No single project will eliminate the affordable housing crisis in Sunnyvale; therefore, all funding to assist in the acquisition, construction or rehabilitation of real property requires

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that funds are secured on the property and have a fixed repayment over time. This approach allows funds to recycle for use on future projects.

- Applications

An applicant for funding will submit (at minimum), a market study, an environmental review, an appraisal, evidence of site control, a detailed sources and uses statement, a projected timeline for construction and occupancy, a proforma statement through the proposed loan term, an experience statement of the proposed development/management team, and the level of commitment by other funding sources.

- Project Priority

Priority will be given to projects that address affordability issues by offering below market rents to a predetermined high need group, as defined in the Consolidated Plan and to projects that provide long-term affordability restrictions and are located in identified action areas in the City. Projects that have obtained funding commitment from other sources, are “ready to go” and have leveraged a high percentage of other funds to City funds will receive the highest preference.

- Loan Amounts and Terms:

The loan to value ratio for all liens shall not exceed 100% of the appraised value. The debt coverage ratio shall be a minimum of 1.1. All deferred interest shall accrue. Loan terms shall not exceed thirty years, unless the primary lender requires a loan term consistent with the primary loan. The City loan is due in full upon refinance of the primary loan. All loans will have a fixed term and repayment schedule (above the line); residual receipt payments will not be accepted.

City loans should be considered “gap financing”; therefore, the loan request for new construction/preservation project should reflect a cost per unit of \$15,000 to \$30,000, and rental rehabilitation projects should be limited in costs to \$20,000 per unit. Projects that are targeting affordability to benefit very low or extremely low-income households may request an increased cost per unit. City support of rental units will be limited to units with rental rates that are at least 20% below existing median rental rates in Sunnyvale.

Approved Concept:

A developer wishing to use the fund should contact the Housing Officer, who will process the proposal through the necessary citizen review for new development or through the Rental Rehabilitation Program procedures. In the case of new development, the City Council will make the ultimate decision to commit funds to a particular project.

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If a developer of new construction is applying for rental or loan assistance through a state or federal program, that developer will be required to submit the assistance application with the total full costs. The City will provide a letter stating the amount of subsidy available if needed by the developer. The City will release the funds only when it is demonstrated that the funds are necessary to make the project economically viable within the rent and mortgage limitations set by the approving agency.

Securities:

The City will require the developer to place a deed restriction on the property which will assure that the developer carries out the intended plan over time. The restriction will provide remedies if the developer/owner fails to operate the development in the approved manner.

(Adopted: RTC 87-492 (9/15/1987))

Lead Department: Community Development Department

Policy 2.3.3 Strategies for Affordable Housing and the Use of Housing Mitigation Fees

POLICY PURPOSE:

The Housing and Community Revitalization Sub-Element of the General Plan sets housing policy for the City. However, the City's ability to accomplish all its goals is limited by both financial and land availability constraints. As Federal and other sources of funding diminish, it is important to develop a long-term strategy for the effective use of limited funds.

The purpose of this policy is to outline a strategy for housing programs for those households with incomes between 30-120% of median and housing for the homeless to meet the goals of the Housing and Community Revitalization Sub-Element. The strategy includes all funding sources available to the City for housing, including uses for the Housing Mitigation Fees.

POLICY STATEMENT:

It is the policy of the City to:

1. Use the Housing Mitigation Fees for an initial Downpayment Assistance Program, provision of loans or seed money to non-profit developers, projects for the homeless, and assistance for Sunnyvale municipal employees and school district employees serving Sunnyvale schools (including Homestead High).to the extent a majority of the employee's effort continues to benefit Sunnyvale students
2. Utilize some available funds such as the Housing Mitigation Fees to assist in the construction of new single room occupancy (SRO) projects or the maintenance of existing SRO hotels, if the opportunity becomes available. SRO's are a needed form of transitional and permanent housing and would be an important contribution to Sunnyvale's housing stock.
3. Set aside a maximum of \$50,000 from the Housing Mitigation Fund to contribute to a modular housing demonstration project if it appears to be a feasible project.
4. Budget for the Rental Rehabilitation Program from Community Development Block Grant (CDBG) funds while they exist and in the Ten-Year Plan in the future.
5. Augment diminishing CDBG funds for outside groups through the General Fund.
6. Continue the Single Family Rehab Program with CDBG money, repayments from loans and any shortfall should come from the General Fund as anticipated in the Ten-Year Plan.

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7. Join lobbying efforts to insure the continuance of the Federal Section 8 rental subsidy program.
8. Encourage private/non-profit partnerships on City-owned sites available for housing development so that part of the site may be developed for low to moderate income housing.

(Adopted: RTC 89-356 (9/12/89); Amended: RTC 01-220 (6/19/2001); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development

Policy 2.3.4 Waiver for Occupancy Standards for Rental Property

POLICY PURPOSE:

This policy is designed to establish a definite process to allow owners to apply for a waiver for their property for the purpose of exempting the property from the occupancy standard of two persons per bedroom, set forth in Chapter 9.72 of the Municipal Code, Discrimination Against Families with Minor Children in Housing.

POLICY STATEMENT:

Property owners will have to demonstrate that the property has a unique configuration which prevents them from adopting the occupancy standard of two persons per bedroom. Applicable criteria:

1. A bedroom smaller than 90 square feet shall not have to be occupied by two people.
2. When the total parking on site is less than 1 parking space for the one bedroom units, 1.5 parking spaces for the two bedroom units and 2 parking spaces for the three bedroom units, the occupancy standard of two persons per bedroom may be reduced to one person per bedroom plus one for the unit.

To obtain a waiver, property owners must submit an application plus a \$35 processing fee to the Director of Community Development, City of Sunnyvale. The length of time from date of application to decision by the Director of Community Development shall be no longer than 60 days.

The Department of Community Development staff will verify the data submitted by the property owner. If the data cannot be verified either through city files or a site visit, the application will be automatically denied.

There will be no appeal of the decision of the Director of Community Development.

If a waiver is granted to the property owner, the City's fair housing contractor and any other agency which requests notification will be informed of the decision.

NO WAIVER WILL HAVE ASSUMED TO BE GRANTED UNTIL THE DIRECTOR OF COMMUNITY DEVELOPMENT HAS SENT A WRITTEN CONFIRMATION TO THE APPLICANT.

(Adopted: RTC 91-342 (7/30/91); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development

Policy 2.4.1 Seismic Safety and Safety - Goals and Policies

Policy 1 Emergency Planning & Coordination

Provide an integrated approach to planning and management for emergencies and disasters.

Policy 2 Schools

Provide information to public/private schools and day care centers to assist in their planning and preparedness for emergencies and disasters.

Policy 3 Business and Industry

Provide information and assistance to business and industry to encourage their own planning and preparedness for emergencies and disasters.

Policy 4 Community

Provide the community members of Sunnyvale information, encouragement and assistance with emergency planning and preparedness.

(Adopted by Resolution 187-93 (9/28/1993); (Clerical/clarity update, Policy Update Project 7/2005; Amended: RTC 08-178 (6/10/08 – Resolution 327-08); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Public Safety

Policy 2.5.2 Banners

POLICY PURPOSE:

The purpose of this policy is to set forth the provisions related to banners, both on street poles and at City-owned sites.

The objective of banners at City-owned sites is to promote community events. The objectives of the banners on street poles program varies by location as follows:

1. Mathilda Avenue/Downtown Area Street Pole Banner Program objectives:
 - Highlight downtown and gateways into downtown
 - Strong theme content for promotional purposes
 - Traffic builder to bring people into the downtown area.

2. El Camino Real Street Pole Banner Program objectives:
 - Identify the El Camino Real corridor in Sunnyvale
 - Create a more aesthetically attractive streetscape and reduce the visual clutter
 - Implement adopted plans and policies related to El Camino Real
 - Promote El Camino Real as a shopping destination and increase sales.

3. The banners on street poles program also allows public service messages (consistent with City policy) sponsored by public agencies, and promotion of community events sponsored by the City or by nonprofit agencies serving the Sunnyvale community.

POLICY STATEMENT:

Banners on Street Poles

City Use: Promote City identity and economy by using street pole banners on Mathilda Avenue and in the Downtown Area (81 banners) and along El Camino Real (64 banners)

Banners shall be changed as often as allowed by allocated annual budget.

Other Agencies: Promote public service messages sponsored by public agencies, and promotion of community events by community organizations by allowing use of street pole banners on Mathilda Avenue and in the Downtown Area (81 banners) and along El Camino Real (64 banners and up to 10 additional banners).

1. Message on banners to be consistent with City policies.

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2. All costs including the possibility of 10 additional street pole banners shall be borne by the sponsoring organization(s). Cost to be amortized and spread among the users.
3. Staff to be flexible in allowing diverse banners to be displayed simultaneously.
4. Criteria for banners as noted in the attached statement regarding Banner Requirements.

Banners at City-Owned Sites

There are two sites in the City used for banners: the corner of Wolfe and El Camino Real, and the front of the Community Center on Remington Avenue.

Events in which the City is a substantial partner (i.e. the City is providing at least 50 percent of the budget costs through financial and/or in kind support) have equal priority for banner space as events sponsored entirely by the City and are thus exempt from the following requirements.

For all other organizations applying to use a City site to display a banner at City-owned sites:

1. The banner may be used only to promote a community event.
2. Admission to the event must be free and open to the public, and the event must be expected to draw at least 500 attendees.
3. A community event application must be submitted. Any organization that does not submit a community event application or whose event is not granted approval is not eligible to post banners at the City's banner locations.
4. Pending the community event application review and approval, the organization may request banner placement by submitting a banner application. A master log of banner requests will be maintained to track the date requested, organization, event, desired placement dates, and status of community event application. Priority will be given to requests in the following order:
 - a. Community events sponsored entirely by the City of Sunnyvale or in which the City is a substantial partner. (The City is a "substantial partner" if the City is providing at least 50 percent of the budgeted costs through financial and/or in-kind support.)
 - b. All other community events.

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The City will make a reasonable effort to request banner space in a timely manner so other organizations have ample notice of space availability. Requests to display banners may be made up to one year in advance of requested dates.

5. Banners will be posted for no longer than two consecutive weeks per year.
6. Organizations will be charged a fee for banner placement on a cost-recovery basis. This fee will cover the cost of two Parks Division employees for one hour to hang the banner and one hour to take it down, with additional charges for overtime labor. Such fee is subject to change. Additional fees may be imposed for staff costs associated with scheduling the banner placements, collecting the display fees, and other associated costs.
7. Banner content is limited to displaying the name of the sponsoring organization, name of event, location, date, time, contact phone number, and web site. While a web site is optional, a phone number is mandatory to help guide the public to the appropriate organization rather than the City.
8. Criteria for banners as noted in the attached Banner Requirements.

(Approved: RTC 01-329 (9/25/2001))

Lead Department: Office of the City Manager

3.0

Long-Term Advocacy Positions - Environmental Management

- (1) Support efforts to develop and require a peer review process for the development of environmental regulations. [*1989 LCC & NLC Resolutions*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (2) Support efforts to develop and implement a national environmental quality policy that improves the quality of the total environment while protecting the environment from further degradation and that assesses both current and long term environmental impacts, ensuring that the needs of the present are met without compromising the ability of future generations to meet their own needs. [*1989 LCC Resolution; Modified/2003 Public Works Staff Recommendation*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (3) Support full funding by the federal government for environmental remediation of closed federal facilities including restoration of historic structures. [2002, 2003, 2004 NLC Resolution; 2009 DPW staff modification] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. DPW**

3.1 Water Resources

- (1) Urge the federal government, including FEMA and the Federal Insurance Administration, to amend underwriting requirements to allow public water and wastewater treatment facilities to be eligible for flood insurance coverage at affordable rates. [*2002 NLC Resolution*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (2) Support legislation that requires the federal government to provide sufficient funds for clean-up of estuaries and bodies of water. [*2004 NLC Resolution*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (3) Support state policy and National Pollutant Discharge Elimination System permit regulations for wastewater and stormwater management that are attainable and reflect local conditions and circumstances. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. ESD**
- (4) Support local and regional efforts that address water resource issues for new water supply projects and water conservation programs. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. ESD**

3.2 Solid Waste Management

- (1) Oppose taxes or fees on local refuse programs to fund statewide programs. [*](Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (3) Support cooperation between state and local jurisdictions on source reduction and recycling to meet state solid waste reduction goals. (*AB 939*) [*First Appeared 1995*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (4) Support Product Stewardship (also known as Extended Producer Responsibility, or EPR) legislation, ordinances, policies and projects where producers and their distribution and retail partners share in the responsibility for managing problem products at end of life. [June 10, 2008 Council Resolution Supporting Extended Producer Responsibility] **Lead Dept. ESD**
- (5) Support requirements that are consistent with the City's Zero Waste policy. [*2001 staff suggestion*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (7) Support eliminating local government liability under Superfund for the disposal of ordinary municipal waste; provide expedited *de minimis* settlements for hazardous material generated by local government operations; and allocate costs on the basis of toxicity rather than the volume of municipal waste. Superfund reform should also provide a level of protection to third party investors, lenders, and developers of brownfields sites. [*1990 NLC Resolution*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (8) Maintain federal and state financial support for beneficial use of landfill gas and other biomass energy. [*1998-December-staff suggestion; Modified 2003 Public Works Staff Recommendation*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**

3.3 Wastewater Management

- (1) Support increased federal support for municipal wastewater infrastructure needs including both treatment and collection systems. [*2003 Public Works Staff Recommendation/2007 DPW staff modification*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**

3.4 Surface Runoff

- (1) Oppose any efforts to include numerical limits for pollutants in permits for storm water discharges and to modify California State law and/or regulations to allow for the development of numerical effluent limits for incorporation into storm water permits. [*2003 Public Works Staff Recommendation, 2006 Public Works staff recommendation*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**

- (2) Support efforts to exempt storm water utility fees from requirements of Proposition 218. [*2005 staff recommendation*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**

3.5 Energy

- (4) Support the adoption of a national comprehensive energy strategy that minimizes carbon pollution from the energy sector through energy efficiency, education, research and development of renewable and alternative energy sources, and energy storage, as well as encourages reduced dependence on foreign oil and the use of domestic energy sources. [*First Appeared 1992*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (5) Support policy that enables, accelerates and supports the deployment of clean energy. [*2023 Priority Advocacy Issue*] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. ESD**

3.6 Noise

- (1) Encourage airport operation policies that reduce the level and frequency of noise and support federal funding to alleviate the effects of aircraft noise on Sunnyvale. [**/2003 Moved to current section, 2009 DPW staff modification*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. CDD**
- (2) Support funding for highway-rail grade separations and railroad noise attenuation. [*2002, 2003 & 2004 NLC Resolution/2003 Moved to Current Section, 2005 modified by staff, 2006 Public Works staff recommendation*] (Moved to long term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**
- (3) Engage the Peninsula Corridor Joint Powers Board to assure that local noise conditions do not worsen as a result of changes to commuter train operations, and impacts are mitigated consistent with regulatory requirements. [*Staff recommendation based on Council action 1/11/05*] (Moved to long term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. DPW**

3.7 Air Quality

- (2) Support efforts to manage and reduce risks from air toxics. [*First Appeared 2003*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (3) Support efforts to improve or strengthen regional and local regulation of mobile source emissions. [*2003 Public Works Staff Recommendation*] (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (5) Oppose redirecting state and regional revenue used by local government for locally based air quality programs. [*1996 LCC Resolution, 2005 modified by staff*] (Moved to long term Council Policy, RTC12-009, February 7, 2012) **Lead Dept. ESD**

- (9) Support the development of greenhouse gas regulations, such as implementation regulations for the California Global Warming Solutions Act of 2006 (AB 32 and SB 32), to reduce greenhouse gas emissions by 2030 and beyond. Encourage the Secretary for Environmental Protection and the California Air Resources Board to work in partnership with all sectors of the community to ensure that the implementation regulations do not have a negative, long-term impact on the resources and services provided by the City of Sunnyvale or the California economy. *[DPW & CDD Housing staff collaboration and recommendation 2007]* (Moved to long term Council Policy, RTC 12-009, February 7, 2012) **Lead Dept. ESD**
- (10) Support the progress and implementation of California GHG and climate change policy and plans as they relate to advancement of the City's climate action goals, considering impacts to City operations and services, and funding for the City's climate action initiatives. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. ESD**

(Adopted: RTC: #12-009 (February 7, 2012); Adopted: RTC: #16-0005 (January 5, 2016); Adopted w/ modification, RTC #17-0011 (January 10, 2017); Revised: RTC #18-1064 (January 1, 2019); Adopted w/ modifications: RTC #21-0025 (January 12, 2021); Revised RTC #24-0102 (January 30, 2024))

**No record of LAP origin.*

Policy 3.1.2 Metering of Water Utilities for Residential Condominiums

POLICY PURPOSE:

This policy is designed to provide uniform criteria for the distribution and metering of water to various housing units, common amenities within multi-family residential housing projects, and the appropriate use of recycled water for non-potable uses. The policy facilitates the reasonable control and consumption monitoring of water in compliance with the Uniform Plumbing Code.

POLICY STATEMENT:

1. Single-family residential housing projects, including “Planned Developments” consisting of a number of dwelling units, each with title to a separate lot of record and an undivided interest in common amenities, including, for example, private streets or recreational facilities, shall be provided with separate water meters serving each lot, in accordance with Municipal Code Section 12.24.090.
2. In general, a private water line should not cross property lines.
3. Only one separately metered source of water will be permitted to serve a given building, except for a) fire services, and b) where dual plumbing is involved for the use of recycled water for non-potable uses.
4. Air space condominiums, stock cooperatives or community apartments, not including any separate fee-title interest in land, shall be provided with at least one separate water meter per building or separate water meter for each lot of record with individual shut-off valves at each building to be arranged in a manner prescribed in the Uniform Plumbing Code.
5. A separate water meter shall be provided in all instances where water is to be consumed in conjunction with a common area improvement, such as landscaping, irrigation or swimming pools.
6. Recycled water may be used for landscaping purposes, and must be separately metered from all other water sources.

(Adopted: RTC 80-725 (12/2/1980); (Clerical/clarity update, Policy Update Project 7/2005); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.2.1 Solid Waste Management — Goals and Policies

Goal 3.2E. Minimize potential future City liability for wastes generated in the City.

Policy 3.2E.1. Select disposal methods and sites for solid and hazardous wastes that incorporate technologies and practices most likely to eliminate or minimize future City liabilities.

Policy 3.2E.2. Minimize impact on future rate payers of potential liability for past disposal practices.

Policy 3.2E.3. Minimize illegal and inappropriate disposal of Household Hazardous Waste (HHW).

Policy 3.2E.4. To meet or exceed all federal, state, and local laws and regulations concerning Household Hazardous Waste (HHW) and implementation of HHW programs.

Goal 3.2F. Maintain sound financial strategies and practices that will enable the City to provide comprehensive solid waste management services to the community while keeping refuse rates at or below countywide averages for cities using cost of service pricing.

Policy 3.2F.1. Establish refuse collection and disposal rates in a manner that equitably allocates program costs among rate payers and promotes rate stability.

Policy 3.2F.2. To the greatest extent possible, anticipate changes required in refuse collection rates in response to changes in laws, regulations, and economic factors affecting the solid waste management system.

Policy 3.2F.3. Identify additional revenue sources and, where possible, increase revenues from solid waste programs, services, and facilities without jeopardizing program goals and customer service quality.

Goal 3.2H. Manage the closed Sunnyvale Landfill in a manner that protects the public health and safety and the environment, promotes enjoyable public use of the site, and assists in the achievement of other goals of the Environmental Management Solid Waste section.

Policy 3.2H.1. Ensure compliance with federal, state, and local laws and regulations.

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- Policy 3.2H.2. Extract available resources from the refuse buried at the landfill.
- Policy 3.2H.3. Provide for safe, enjoyable recreational access to portions of the landfill.
- Policy 3.2H.4. Provide for facilities and activities on portions of the landfill that support achievement of the City's solid and household hazardous waste goals and policies.
- Policy 3.2H.5. Generate revenues from post-closure uses of the landfill.

(Adopted by Resolution 220-01 (12/11/2001); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.2.2 Reusable Diapers

POLICY PURPOSE:

Reduce the annual cost to Sunnyvale rate payers for collection, transfer and disposal of disposable diapers.

POLICY STATEMENT:

The City endorses the use of public education and outreach methods to encourage the use of reusable diapers.

(Adopted: RTC #99-246 (6/8/1999); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.2.3 Solid Waste Rate Restructuring Policy

POLICY PURPOSE:

Provide a consistent method, based on cost of service, for setting rates for solid waste services.

POLICY STATEMENT:

I. COLLECTION COSTS

Direct collection costs within each customer group are allocated based on the time and motion analysis information provided in the 1993 Hilton Farnkopf & Hobson study and (for the residential group) the results of the 1991 residential collection vehicle Pilot Program analysis performed by SCS Engineers.

II. SMaRT COSTS/REVENUES

SMaRT Station expenses and revenues are allocated to the residential, commercial, and industrial groups based on each group's portion of the refuse tonnage received at the SMaRT Station. Within each customer group, costs are allocated by volume of waste (cubic yard or can equivalent) for each service level. For example, a customer having six cubic yards of waste removed each week would be allocated twice as much of this cost element as a customer having three cubic yards removed per week.

III. LANDFILL (DISPOSAL) EXPENSES

Landfill disposal expenses are allocated to the residential, commercial, and industrial sectors based on each group's portion of the refuse tonnage received at the SMaRT Station, adjusted to reflect the estimated SMaRT Station recycling level for each group's waste. Within each customer group, costs are allocated by volume of waste (cubic yard or can equivalent) for each service level.

IV. SUPPORT EXPENSES

City support expenses are allocated to the residential, commercial and industrial customer groups based on each group's portion of the refuse tonnage received at the SMaRT Station.

Franchised hauler administrative expenses are allocated to the residential, commercial and industrial customer groups by direct cost of service (as a percent of total expenses).

Within the residential customer group, the above costs are allocated first to single family homes and mobile home parks by volume, then within those areas by the number of billing units, and within the commercial and industrial groups these costs are allocated by volume of refuse for each service level.

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V. FRANCHISE FEE

The franchise fee is allocated in the same manner as City support costs.

VI. RECYCLING PROGRAMS

Recycling program expenses and revenues are allocated in the same manner as City support costs.

VII. INCENTIVES

In the commercial and industrial customer groups, rate adjustments are not used to encourage less-frequent pickup. Rather, the City relies on rates that reflect cost of service to achieve this goal.

In the residential customer group, customers are provided three rate options based on cart sizes.

VIII. AMERICANS WITH DISABILITIES ACT

Disabled residents are charged the same rates for rear yard collection that non-disabled residents are charged for curbside collection of refuse for single-family homes and mobile homes.

(Adopted: RTC #93-221 (5/11/1993); Amended: RTC #06-397 (12/12/2006); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.2.4 Zero Waste

POLICY PURPOSE:

The City of Sunnyvale understands that the placement of materials in waste disposal facilities such as landfills, causes damage to human health, wastes natural resources, and transfers liabilities to future generations. The purpose of this Zero Waste Policy is to:

- Protect the environment and conserve natural resources
- Help prevent pollutants from entering the air, land, and water
- Create a more efficient economy
- Preserve the environment for future generations

POLICY STATEMENT:

It is the policy of the City of Sunnyvale that the City will work to:

1. Reduce that amount of Sunnyvale waste being disposed
2. Encourage residents, businesses and agencies to reuse, reduce, and recycle materials judiciously
3. Empower consumers to use their buying power to demand non-toxic, easily reused, recycled or composted products
4. Encourage manufacturers to produce and market less toxic and more durable, repairable, reuseable, recycled and recyclable products
5. Lobby regional, state and federal legislators to implement laws, policies and regulations that promote Zero Waste
6. Work locally and regionally to assist in Zero Waste planning
7. Lead by example and implement Zero Waste goals for all City buildings
8. Put policies in place that favor environmental and economically sustainable practices

((Adopted: RTC #08-358 (December 9, 2008); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.2.5 Prohibition on the Use of Expanded Polystyrene Food Service Products at Parks and Other City Facilities and City-Sponsored Events

POLICY PURPOSE:

The purpose of this policy is to prevent the undesirable impacts on water quality, stormwater, wildlife and aesthetics within and beyond the city limits of Sunnyvale created by littered or discarded expanded polystyrene foam food containers. This policy is intended to encourage environmentally responsible practices such as using reusable dishware at meetings and special events. If reusable dishware is not feasible, the alternative would be to use food containers that are recyclable in the City's recycling program or to use compostable containers.

POLICY STATEMENT:

It is the policy of the City of Sunnyvale that the City will:

1. Prohibit the use of City funds for the purchase of expanded polystyrene foam food service products for meetings, events and other City functions.
2. Prohibit the use of expanded polystyrene foam food service products by vendors, franchisees, lessees, contractors and commercial food and beverage purveyors at parks and other City facilities. Prohibited products include, but are not limited to, expanded polystyrene food containers, bowls, plates, trays, cartons, and cups, on or in which any foods or beverages are placed or packaged. Pre-packaged foods sold in retail and grocery stores (meat, fish, etc. on trays, egg cartons) would be exempt. Each City department shall incorporate this prohibition into each of its leases, permits, agreements, etc., upon issuance, renewal or otherwise at the earliest opportunity and fully and expeditiously implement the prohibition.
3. Prohibit the use or distribution of expanded polystyrene food service products at special events at City facilities, parks or other locations that are sponsored or co-sponsored by the City. This prohibition shall apply to event organizers, agents of event organizers, event vendors, and any other party (including non-profit organizations) that has an agreement with one or more of the co-sponsors of the event to sell food or beverages at the event or otherwise provide an event-related service. Each City department shall incorporate this prohibition into each of its City agreements, permits, etc., with event organizers and sponsors. The prohibition on the use of expanded polystyrene food service products will not be enforced upon an individual attending the function solely as a visitor or spectator. Each written agreement with a vendor, including a non-profit organization, to sell food or beverages at an event sponsored or co-sponsored by the City of Sunnyvale shall specifically prohibit the usage and distribution of expanded polystyrene food service products.

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4. Not accept donations of expanded polystyrene food service products or allow their use at parks and other City facilities for special events sponsored or co-sponsored by the City.

(Adopted: RTC 12-293 (December 18, 2012))

Lead Department: Environmental Services Department

Policy 3.3.1 Wastewater Management — Goals and Policies

Funding

Goal 3.3D. Maintain a financially-stable wastewater management fund through a user-based fee system.

Policy 3.3D.1. Assess connection fees to new system users to recoup the costs of excess system capacity constructed for their eventual use.

Policy 3.3D.2. Assess user fees based on quantity and quality of wastewater generated.

Policy 3.3D.3. Establish appropriate reserves to ensure reliable rates and to provide capital improvements and infrastructure replacement needs.

Policy 3.3D.4. Annually review the wastewater rate structure.

Policy 3.3D.5. Bi-annually review the 50-year plan for capital improvement and replacement needs.

Policy 3.3D.6. Continue to make landowners responsible for maintenance of sewer laterals, with the exception that the City will make repairs to laterals between property line and sewer mains caused by broken pipes and street tree roots.

Policy 3.3D.7. Properties outside the City limit that are served by the Sunnyvale wastewater collection system shall pay the full cost of wastewater management service. In addition to a higher rate for such special service, outside customers should also pay all costs for special maintenance and necessary repairs. This includes the use of outside plumbers, delivery of service at call back times, any expenses to the City of Sunnyvale from other jurisdictions connected to the provision of service (i.e. franchise fees), and costs for improvements to the system.

Policy 3.3D.8. Explore agreements with neighboring cities where the Water Pollution Control Plant would treat interjurisdictional wastewater for a fee as long as these agreements: 1) create no capacity issues 2) do not hinder future development and 3) are economically advantageous.

(Adopted by Resolution 220-01 (12/11/01); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.4.1 Surface Runoff — Goals and Policies

Funding

Goal 3.4E. Consider alternative methods of generating revenue to support the surface runoff quality improvement activities.

Policy 3.4E.1. Develop a revenue program that will ensure funding to: 1) implement Best Management Practices (BMPs); 2) conduct public information and participation outreach activities; 3) inspect and eliminate illicit discharges, and inspect industrial and commercial facilities; 4) meet storm drain operational and maintenance needs to improve surface runoff quality; 5) monitor storm water quality; 6) participate in general Santa Clara Valley Urban Runoff Pollution Prevention (SCVURPP) activities; and 7) provide appropriate reserves.

(Adopted by Resolution 115-93 (2/23/1993); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.5.1 Energy

POLICY PURPOSE:

The City of Sunnyvale finds that the preservation of natural resources through the use of energy efficient activities is of great importance to the citizens and businesses of Sunnyvale. It is the purpose of this Energy Policy to:

- Promote economic development
- Maintain a healthy environment
- Maximize limited natural resources
- Encourage alternative forms of transportation
- Encourage cost reduction in City operations

POLICY STATEMENT:

It is the policy of the City of Sunnyvale that the City will:

- Minimize energy consumption in City operations
- Promote the development of alternative energy resources and support the enhancement of existing technologies
- Provide for efficient vehicular movement on City streets
- Promote alternative modes of transportation to the single-occupant gasoline powered automobile such as mass transit, carpooling, bicycling and walking
- Use energy efficient street light and traffic signal systems
- Reduce energy consumption through Land Use and Community Design Policies
- Utilize alternative energy sources at the Sunnyvale Water Pollution Control Plant
- Support installation of cost-effective energy efficiency measures in municipally owned buildings and facilities
- Support Federal, State, and other Local agency energy-related legislation when consistent with this policy
- Support efforts to provide affordable, reliable, diverse, safe, and environmentally acceptable power to the citizens and businesses of Sunnyvale

(Adopted: RTC 00-317 (12/19/2000); (Clerical/clarity update, Policy Update Project 7/2005); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.6.2 City Use of Powered Equipment

POLICY PURPOSE:

City crews and contractors use a variety of powered equipment, including leaf blowers to clean and maintain municipal facilities and open space such as parking lots, the downtown area, landscaped median islands, the Community Center, parks, school sports fields, tennis courts, City Hall and the golf courses. The purpose of this policy is to define how the City crews will use powered equipment during regulated hours in or adjacent to residential areas. The goal of the policy is to preserve and enhance the quality of neighborhoods by continually striving to reduce noise levels related to the use of equipment needed to maintain and repair municipal facilities.

POLICY STATEMENT

The City shall:

1. Use newer, quieter equipment as available when working in areas in or adjacent to residences.
2. Use electric or battery-powered equipment whenever practical and feasible.
3. When replacing equipment, purchase quietest and least polluting models.
4. Whenever possible, start work later than 8:00 am when in or adjacent to residential areas.
5. When work must be started before 8:00 am, schedule tasks with the least noise impact and begin work in locations farthest from residences.
6. Respond to all noise complaints and try to resolve problems amicably.
7. When work must be scheduled during restricted hours (8:00 pm to 8:00 am), it should meet one or more of the following criteria:
 - Required work will create a safety hazard for the City crews or motorists.
 - Required work involves the use of dangerous or hazardous materials.
 - Required work presents a danger or inconvenience to pedestrians.
 - Required work involves the use or placement of equipment in locations that create a safety hazard to field crews and motorists.
 - Required work is for a facility that opens early for use by the general public.

(Adopted: RTC 99-247 (6/8/1999); (Clerical/clarity update, Policy Update Project 7/2005); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 3.7.2 Reduction of Carbon Dioxide Emissions from City Operations

POLICY PURPOSE:

The purpose of this policy is to address the contribution of City operations (fleet, 15 City facilities, and all traffic and street lights) to global warming.

POLICY STATEMENT:

The City of Sunnyvale adopts a goal of 20 percent CO₂ emissions reduction from 1990 levels by 2010 for City operations.

(Adopted: RTC #07-301 (9/11/2007))

Lead Department: Public Works

4.0 Long-Term Advocacy Positions - Public Safety

4.1 Law Enforcement

- (1) Support legislation that imposes stricter guidelines for the sale and/or purchase of weapons, and limits the availability of highcapacity weapons and ammunition and encourage stricter sentences for conviction involving firearms. Support adequate safeguards prior to purchases. [*DPS Staff 2007, 2009 DPS staff modification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (2) Oppose the legalization and or decriminalization of all controlled substances, as defined by Title 21 of the US Code. [**/2001 clarification/amended 2008*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (3) Support a strong intergovernmental partnership for municipalities in their role in national defense, and collaboration in preventing and responding to disasters. [*2003/2006 NLC Resolution*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (4) Support legislation that provides supplemental funding to cities for local law enforcement programs (i.e. Supplemental Law Enforcement Services, SLES) [*2003 Public Safety Staff Recommendation*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (5) Support efforts to provide resources to assist local law enforcement agencies with the deployment of state-of-the art non-lethal technologies such as electronic control devices in an effort to promote public safety. [*2007 NLC Resolution; 2009 DPS staff modification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (6) Support legislation that improves education, training, and enforcement efforts aimed at combatting human trafficking. (RTC 14-0726, August 12, 2014; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. DPS**
- (7) Support legislation that improves education, training and enforcement efforts aimed at combatting hate crimes. (RTC 22-0061, January 25, 2022) **Lead Dept. DPS**
- (8) Support efforts to strengthen legislation pertaining to gun violence restraining orders (GVROs), including increasing the duration of GVROs and enhancing the ability of law enforcement agencies to remove firearms from those who may be a danger to themselves or others. (Adopted, RTC 21-0025, January 12, 2021) **Lead Dept. DPS**
- (9) Support legislation that provides funding and access to programs to enhance wellness, address mental health concerns, and provide crisis intervention for police and fire personnel. (Adopted, RTC 24-0102, January 30, 2024) **Lead Dept. DPS**

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- (10) Support legislation that provides local law enforcement agencies the ability to implement technology that would enhance public safety. (Adopted, RTC 24-0456, March 26, 2024) **Lead Dept. DPS**

4.2 Fire Services

- (1) Support consolidation of regulatory programs at the local level and limit actions on local government liability in implementing mandates in regard to toxics control. [**/2001 Clarification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**

4.3 Support Services

- (1) Continue to support interoperability initiatives as they relate to public and private industry. Interoperability is the ability of diverse agencies (police, fire, EMS, and local government) to communicate directly with each other by using radio and data. [*DPS Staff 2007, 2009 DPS staff modification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (2) Support efforts to ensure protection of sufficient radio spectrum to meet public safety's current and future needs. Public safety needs should have priority over private or for-profit communication systems and provide adequate funding as necessary. Also protect the current amateur radio bandwidth to ensure amateur radio support during emergencies. [*1998 NLC Resolution, 2009 DPS staff modification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (3) Support legislation that requires developers to fund the costs of radio communications infrastructure upgrades to allow emergency communications within new buildings or structures. [*1998-December-staff suggestion*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (4) Support prompt reimbursement of approved disaster recovery expenses to cities determined to be part of a declared disaster area, or other emergencies such as pandemic. [*2002 NLC Resolution, 2009 DPS staff modification*] (Moved to Long Term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. DPS**
- (5) Support federal and state funding to assist with the ongoing operations, expansion or upgrade of the 9-8-8 system as an emergency response, information, and referral system for individuals experiencing a mental health crisis. **Lead Dept. DPS**

(Adopted: RTC: 12-09 (February 7, 2012); Revised RTC: 14-0726 (August 12, 2014) Clerical update (August 13, 2014); Adopted w/ modification, RTC: #15-0008 (January 6, 2015); Revised: RTC 18-1064 (January 1, 2019); Adopted w/ modifications, RTC: 21-0025 (January 12, 2021); Adopted, RTC 22-0061 (January 25, 2022); RTC: 23-0158

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(January 24, 2023); Revised RTC 24-0102 (January 30, 2024); Revised RTC 24-0456 (March 26, 2024))

**No record of LAP origin.*

Policy 4.1.1 Law Enforcement — Goals and Policies

Goal 4.1D Conduct planning and administration that incorporates interaction with other city departments as well as other agencies, both public and private, where mutual concerns exist which could have impact on the delivery of law enforcement services.

Policy 4.1D.1 Coordinate law enforcement planning with local, regional, State and Federal plans.

Policy 4.1D.2 Provide effective and efficient management of Public Safety resources.

Goal 4.1E Sustain a highly trained police services division in order to assure that police services are provided in a quality and efficient manner.

Policy 4.1E.1 Train and develop employees to meet state and local standards.

(Adopted by Resolution 105-95; RTC 95-001 (1/10/95); Consolidated General Plan Update (September 2011)/Administrative update (March 2012); Clerical Updated (January 2015))

Lead Department: Department of Public Safety

Policy 4.1.2 Asset Forfeiture

POLICY PURPOSE:

The purpose of this policy is to establish guidelines for the expenditure of funds received by the Department of Public Safety through the shared forfeited asset process made possible by the Comprehensive Crime Control Act of 1984.

The Comprehensive Crime Control Act of 1984 provides guidelines for assets seized in drug investigations, once deemed forfeited by the Courts, to be equitably shared with the local agency that participated in the investigation which resulted in the seizure. The amount shared with the local agency is determined based upon the degree of direct participation the agency provided in the investigation.

The Attorney General's guidelines on seized assets include very specific rules for the use of the assets by State and local law enforcement agencies. In a report by then Attorney General Edwin Meese III dated April 1987, the Attorney General stated that "Property will be transferred to State or local agencies only in cases where the tangible property or cash will be credited to the budget of the State or local agency that directly participated in the seizure or forfeiture, resulting in an increase of law enforcement resources for that specific State or local agency."

In addition, the guidelines require that shared assets be used as stated in the application for transfer of Federal forfeited property which requires specific intended law enforcement uses when application is made for the assets in question. When any deviation to these intended law enforcement uses is contemplated from the original application, it is required that a written request to the transferring agency, "Federal or State," be made outlining the specific changes in the use of assets contemplated by the applying agency.

POLICY STATEMENT:

It is the policy of the City that the following guidelines shall apply when considering appropriation of funds obtained from shared forfeited assets:

1. All cash be invested and maintained in an identifiable fund so that interest derived may be readily identified and principal and interest maintained for law enforcement purposes pursuant to Federal Guidelines.
2. Appropriations shall be subject to the annual budget process.

(Adopted: RTC 90-217 (5/1/1990), Amended as part of Policy Update Project (7/2005))

Lead Department: Department of Public Safety

Policy 4.2.1 Fire Services — Goals and Policies

Goal 4.2C Reduce the demand for fire suppression and hazardous materials response, reduce the severity of the incidents and provide protection for the lives, welfare, and environment of people within the community.

Policy 4.2C.1 Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy 4.2C.3 Heighten public consciousness of fire and life safety in ways citizens can not only prevent fires from starting but react properly to emergencies when they occur lowering the demand for services.

Goal 4.2D Provide planning and administration while maintaining liaison with other agencies and organizations to provide a quality level of fire services to the community.

Policy 4.2D.1 Adjust to changing service requirements, new laws, regulations, policies, technologies and changes occurring in the Community.

Policy 4.2D.2 Work cooperatively with other agencies and organizations when addressing issues that affect fire services.

Policy 4.2D.3 Take all viable opportunities to include the principles of demand management in decision making processes.

(Adopted by Resolution 132-95; RTC 95-146 (4/25/95); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Public Safety

Policy 4.3.1 Support Services — Goals and Policies

Goal 4.3A **Sustain a quality work force in order to assure that Public Safety Services are provided in a quality and efficient manner.**

Policy 4.3A.1 Train and develop employees to meet state and local standards.

Policy 4.3.A.2 Maintain a recruitment and selection process that ensures a highly competent work force meeting City affirmative actions goals.

Goal 4.3B **Facilitate quality decision making, through planning and research.**

Policy 4.3B.1 Maintain knowledge of technological advances, current trends and issues that impact Public Safety services.

Policy 4.3B.2 Provide alternative options to enhance the effectiveness of Public Safety operations.

Goal 4.3C. **Enhance and facilitate department operations by providing document management data processing and all other information management functions.**

Policy 4.3C.1 Provide accurate and efficient document management.

Policy 4.3C.2 Provide program support and statistics.

Goal 4.3E **Assure that the property safety and physical needs of the Department are met.**

Policy 4.3E.1 Assure that City facilities used by the Department are safe, well maintained and contribute to the efficient delivery of services.

Policy 4.3E.2 Provide personal safety equipment consistent with legal requirements and City policy.

Policy 4.3E.3 Catalog, store and monitor evidence and property to support Public Safety operations.

(Adopted by Resolution 129-88; RTC 88-125 (4/5/88); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Public Safety

Policy 4.4.1 Suicide Prevention

POLICY PURPOSE:

This policy pledges the City of Sunnyvale to promote community engagement that will result in planning, implementation and evaluation strategies for: suicide prevention and intervention through education; support and promotion of aftercare services; and support and promotion of a healthy and more accepting public perception of the importance of and need for quality mental health care.

POLICY STATEMENT:

Suicide is one of the leading causes of death in the United States and in the State of California. The City of Sunnyvale has experienced the tragedy of suicide within its community. There are strategies that can be implemented to prevent suicide and suicide attempts. These include:

- Reducing access to means of suicide
- Initiating a healthy dialogue about the difficult topic of suicide throughout the community, for residents of all ages, races, gender and other social characteristics
- Responsible reporting by media and by City employees on social media;
- Reducing the stigma associated with mental illness and with seeking mental health care;
- Early identification, treatment and care of people with mental and substance use disorders, chronic pain and acute emotional distress;
- Training of non-specialized health workers, teachers, parents, etc. in the assessment and recognition of suicidal behavior;
- Follow-up care for people who have attempted suicide and identification of resources that will deliver needed support to individuals and families.

Suicide is a complex issue and a difficult discussion topic for most people; therefore, suicide prevention efforts require coordination and collaboration among a broad section of stakeholders in health care, education, the private sector, government agencies and the media. *These efforts must be comprehensive and integrated, as no single approach on its own can make an impact on an issue as challenging as suicide.*

- (1) Goal 4.4.1A: Advance the current strategies and best practices of the Santa Clara County Behavioral Health Services, the National Council for Behavioral Health, the National Alliance on Mental Illness, and the World Health Organization.
- (2) Goal 4.4.1B: Support the development and implementation of effective and relevant educational programs that promote healthy emotional and social development of residents. These programs may include, but will not be limited to:

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- A) Opening the dialogue about the impact of suicide on individuals, families and the community;
 - B) Helping individuals develop strategies for reducing stress, effective coping skills and effective methods for problem solving; and
 - C) Fostering resilience in community members who seek assistance or who are identified as at-risk.
- (3) Funds to implement this policy shall be provided when available, but will also be sought through donations, grants, partnerships, and other outside sources.

Adopted: RTC # 18-0676 (08/14/2018)

Lead Department: Department of Public Safety

For reference, see also: Santa Clara County Suicide Prevention Strategic Plan, revised March 2011

5.0 Long-term Advocacy Positions – Socio-Economic

5.1 General

- (1) Support federal and state funding to assist with the ongoing operations, expansion or upgrade of the 2-1-1 system as an information and referral for health and human services. [*Council Resolution RTC #03-109*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009; Adopted w/ modification, RTC 15-0008, January 6, 2015) **Lead Dept. LRS/DPS**
- (2) Support legislation and community-based efforts that improve the quality of life for children and families through increased access to educational support, health care, housing, emancipation transition services for foster youth, and vocational training programs. [*OCM Staff Recommendation, 2007*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (3) Urge the federal government to provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, and civic integration. [*2007 NLC Resolution*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**

5.2 Economy and Employment

- (1) Support development of federal U.S. congressional legislation that will support funding to continue school-to-work opportunities.. [*2003, 2004 NLC Resolution, 2012 NOVA staff modification*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (2) Support increased flexibility and resources for local workforce development boards to launch sector-driven industry initiatives to address current and projected workforce needs that may include information technology, healthcare, and renewable energy, among other industries experiencing workforce shortages in the future. [*2006 NOVA staff recommendation/amended 2008*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (3) Supporting the quality of life in Sunnyvale, the City supports legislation to increase the current minimum wage or tie future increases to Consumer Price Index (CPI) or inflation. (RTC: #14-028, May 20, 2014; RTC 22-0061, January 25, 2022) **Lead Dept. OCM**

5.3 Education and Training

- (1) Support expanded education and training programs at all educational levels (high school, community colleges, undergraduate, graduate, adult re-entry and dislocated workers) that increase access to and competitiveness for high demand, high wage jobs.. [**/Modified 1998-January/2001, Clarification, 2006 NOVA and Community*

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Development staff recommendation/amended 2008, 2009 NOVA staff modification
(Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**

- (2) Support greater flexibility and simplicity in administrative procedures and eligibility requirements to increase client access to adult education, job training, job retention, employment support and supportive services. [*Council RTC 97-262, 2005 modified by staff/amended 2008, 2009 NOVA staff modification*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (3) Support increased state and federal appropriations and allocations based on funding formulas and regulatory guidelines that will fully fund local workforce development programs and workforce system infrastructure. [*2005 NOVA staff recommendation/amended 2008*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (4) Support federal and state initiatives that augment local autonomy on employment training and retains the strong role of the chief elected officials and Workforce Investment Boards. [*1993 LCC & NLC Resolutions/2001 modification, 2009 NOVA staff modification*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (5) Support increased funding for local labor market research that ensures a demand-driven local workforce investment system has timely and relevant information on workforce trends. [*2005 staff recommendation*] (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. NOVA**
- (6) Support federal reimbursement to local school districts for up to 40 percent of the costs of special education programs mandated by federal law. [*2002, 2003, 2004 NLC Resolution*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (7) Support efforts by the State Legislature and/or Allocation Board to increase the rates and/or inflation calculator to reflect current school facility costs more realistically or consider other provisions to allow school districts to effectively mitigate the impacts of new development. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. CDD**

5.4 Health and Social Services

- (1) Support childcare related legislation that:
 - Provides funding targeted to address the child care needs of low-income individuals;
 - Establishes demonstration projects to test alternative child care delivery models;

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- Establishes employer incentives, such as tax credits to encourage employers to share in providing child care for employees;
 - Provides adequate funding of existing child care programs, including appropriate cost-of-living increases;
 - Establishes the public school system as the primary delivery agent of state sponsored child care programs;
 - Establishes quality child care programs by appropriate regulations to protect health and safety, but minimizes regulatory obstacles;
 - Provides incentives to increase the quality and wages of child care workers;
 - Advocate for and support measures to encourage and involve industry in providing child care and/or child care benefits to their employees. *[Council Action, RTC 07-363]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (2) Support the establishment of quality standards for childcare providers and programs. *[1989 NLC Resolution/Modified in 1993, 1995 and 1998-December]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (3) Support the Food Stamp Program, the School Breakfast and Lunch Program, the WIC Program, senior nutrition programs, and support services for homeless families. *[*/First Appeared 1992/Modified 1995]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (4) Support the use of state Proposition 10 funds (tobacco tax funds), for the development or enhancement of educational and social services for the prenatal through five population and their families. *[2002, 2003, 2004 NLC Resolution]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (5) Support childcare providers having a voice in the development of potential Universal Preschool legislation. *[2003 Office of the City Manager Staff Recommendation]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (6) Support Congressional action to rectify the current Medicare payment formula inequities and reduce geographic disparities. *[2004 NLC Resolution]* (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**
- (7) Support legislation that requires the federal government to fully fund the Every Student Succeeds Act including corrective program, and the Dream Act. Urge the Federal Government to improve access to funding for early education programs and services such as Head Start and for English language learner students and farm worker children. *[2004 NLC Resolution/2006 Modified by OCM staff/2007 NLC*

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Resolution] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009)
Lead Dept. LRS

5.5 Human Services Planning and Policy

- (1) Support formal relationships with schools, non-profit agencies, the business community and other government organizations to assess human service needs. [**/First Appeared 1993*] (Moved to long-term Council Policy, RTC 09-046, February 24, 2009) **Lead Dept. LRS**

5.6 Affordable Housing and Homelessness

- (1) Encourage Federal, State, and County governments to provide more financing resources and to streamline access to financing (including application processes and availability of funds) for the development and preservation of affordable housing to lower- and moderate-income households to address local housing needs. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. CDD**
- (2) Encourage more funding support at the State, Regional, and Federal level (specifically the Low-Income Housing Tax Credit). The City provides financing for new affordable housing primarily through its Housing Mitigation Fund, but it is not enough to support new affordable housing on its own. Funding sources must also be streamlined to enable affordable housing to be built at the rate necessary to meet the growing need. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. CDD**
- (3) Encourage California Department of Housing and Community Development to allocate fair and reasonable Regional Housing Needs Allocations to the Region and continue to participate with the Association of Bay Area Governments on allocations to individual counties and cities. [2023 Priority Advocacy Issue] (Moved to long term Council Policy, RTC 24-0102, January 30, 2024) **Lead Dept. CDD**

(Adopted: RTC #09-046 (February 24, 2009); Revised RTC: #12-09 (February 7, 2012); Clerical update (May 1, 2014); Revised RTC: #14-028 (May 20, 2014); Adopted w/ modification, RTC #15-0008 (January 6, 2015); Adopted w/ modification, RTC #16-0005 (January 5, 2016); Adopted w/ modification, RTC #17-0011 (January 10, 2017); Adopted, RTC 22-0061 (January 25, 2022); Revised RTC #24-0102 (January 30, 2024))

**No record of LAP origin.*

Policy 5.1.1 Socio-Economic — Goals and Policies

Demographics and Neighborhoods

Goal 5.1D Support efforts to create employment opportunities for economically disadvantaged individuals, disabled individuals, minorities, women, youth and others with special employment needs.

Policy 5.1D.1 Support reforms to the welfare system that will provide positive incentives to those on welfare to enter the workforce and decrease welfare dependency.

Policy 5.1D.2 Support federal programs, such as Job Training Partnership Act (JTPA), aimed at increasing employment opportunities for groups with special employment needs.

Education and Training

Goal 5.1E Support efforts to improve the availability and quality of education made available in Sunnyvale.

Policy 5.1E.1 Support educational reforms that will cost-effectively result in better education.

Policy 5.1E.2 Support unification of school districts within the Sunnyvale City limits.

Policy 5.1E.3 Support legislation that will provide appropriate state funding for kindergarten through 12th grade education in Sunnyvale, including funding for extracurricular activities.

Policy 5.1E.4 Support reforms to the State’s school formula based upon average daily attendance to recognize actual needs of funding for schools.

Policy 5.1E.5 Support legislation returning more local control to boards of education.

Policy 5.1E.6 Support and/or consider the feasibility of attracting higher education into Sunnyvale and the region.

Policy 5.1E.7 Support reforms to improve educational quality.

Policy 5.1E.8 Support appropriate funding for community colleges serving Sunnyvale.

Goal 5.1F Provide job training and employment services, within constraints of operative Federal regulations and available Federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.

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Policy 5.1F.1 Participate in JTPA as a service delivery area as long as adequate Federal and State funding for the program is available, legislation remains essentially intact and the program can be cost-effectively administered.

Policy 5.1F.2 Support Federal job training and related legislation that maintains the primary role of local governments for serving economically disadvantaged and others with special needs.

Health and Social Services

Goal 5.1G Enhance the provision of health and social services to Sunnyvale residents by providing opportunities for the private marketplace to meet the health and social service needs of City residents.

Policy 5.1G.1 Encourage the co-location of health and social service providers in Sunnyvale to facilitate the availability of such services.

Policy 5.1G.2 Provide incentives, such as co-location privileges or rent subsidies, to attract private agencies to provide needed health and social services.

Policy 5.1G.3 Support measures to reduce the number of individuals who are uninsured for medical coverage, including catastrophic illnesses.

Goal 5.1H Identify pressing health and social needs of the Sunnyvale community, encouraging appropriate agencies to address these needs in an adequate and timely manner.

Policy 5.1H.1 Support efforts to increase the availability, quality and affordability of childcare in North Santa Clara County.

Policy 5.1H.2 Support non-discriminating efforts to cure catastrophic diseases (such as AIDS) and prevent their spread in the community.

Policy 5.1H.3 Encourage the provision of services for older adults in Sunnyvale.

Policy 5.1H.4 Support programs that cooperate closely with the City's Public Safety program in providing crisis intervention/emergency services.

Policy 5.1H.5 Support programs that decrease drug and alcohol use and dependence in the community.

Policy 5.1H.6 Support the provision of emergency shelter to Sunnyvale residents.

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- Policy 5.1H.7 Encourage the provision of programs that provide assistance in the acculturation and assimilation of refugees into the community.
- Policy 5.1H.8 Encourage programs that assist at-risk youth in obtaining an education and learning job skills.
- Policy 5.1H.9 Encourage programs and services that address the special needs of the disabled population and assure that disabled individuals have access to services.
- Policy 5.1H.10 Encourage adequate provision of health care services to Sunnyvale residents.
- Policy 5.1H.11 Encourage the adequate provision of social services to Sunnyvale residents.

Human Service Planning

- Goal 5.1I Monitor human service needs of the community in order to identify appropriate responses and encourage the provision of needed services.**
- Policy 5.1I.1 Maintain an active “Outside Groups Funding Policy” relating to the City’s standards and requirements for accepting applications for funding from non-profit agencies.
- Goal 5.1J Encourage and support a network of human services that provides for the basic needs of Sunnyvale’s residents.**
- Policy 5.1J.1 The City shall seek to have as many Human Service needs as possible met through other resources in the following priority:
- self-help
 - private non-profit organizations
 - other government agencies
- Policy 5.1J.2 The City shall assume an advocate role to manage the use of its resources to meet Human Services needs in Sunnyvale.

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Policy 5.1J.3 The City may assume the role of a direct service provider of human services when:

- Specifically targeted intergovernmental funds (such as JTPA, CDBG) are available for which the City could most cost-effectively administer the human service programs (rather than outside groups) to address significant community needs; direct service provider role will terminate when such funds are no longer available; or
- Specific community needs are identified and the General Plan, City policies or action plans provide for the City to take on such a role.

Policy 5.1J.4 The City may assume the role of an indirect service provider of human services when specifically targeted intergovernmental funds (i.e. JTPA, CDBG) are available to the City but another agency could most cost-effectively administer the human service program to be addressed by the funds. Funding to the provider will terminate when such funds are no longer available, or the provider can no longer provide the service, or the specific community need has been fulfilled or the City determines to take on the service directly.

Policy 5.1J.5 The City may provide limited financial assistance to a qualified outside group if:

- The program proposed for funding does not duplicate existing services, addresses a significant community need or facilitates the co-location of human service providers in the City of Sunnyvale; augments (but does not duplicate) service provided directly by the City, provides the service at a cost lower than the City can provide or is the most logical service provider; and provision of such services is compatible with the City's General Plan, policies or action plans; and
- The program for which funding is requested is qualified under the City's Outside Groups Funding Policy.

(Adopted on July 11, 1989; Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Office of the City Manager

Policy 5.1.2 Child Care

POLICY PURPOSE:

The purpose of this policy is to establish a City role in child care. It also provides staff with direction about which child care opportunities to pursue.

POLICY STATEMENTS:

Child Care Legislation

The Sunnyvale City Council is concerned with the affordability, availability and quality of child care available to its residents and employees of its business community. It is recognized that addressing this need will require a partnership among Federal government, state government, the business community, local government and non-profit agencies. However, it is Council's belief that the federal and state governments have a primary role in assuring that the child care needs of its populace are addressed. Federal and state governments should develop comprehensive plans to deliver and fund those services and provide appropriate incentives to encourage employers to provide child care opportunities for their employees.

The City supports, as appropriate, legislation seeking to establish and advocate for the following actions or provisions including, but not limited to: providing funding targeted to address the child care needs of low-income individuals; establishing demonstration projects to test alternative child care delivery models; establishing employer incentives, such as tax credits to encourage employers to share in providing child care for employees; providing adequate funding of existing child care programs, including appropriate cost-of-living increases; establishing the public school system as the primary delivery agent of state sponsored child care programs; establishing quality child care programs by appropriate regulations to protect health and safety, but minimizes regulatory obstacles; providing incentives to increase the quality and wages of child care workers; advocating for and support measures to encourage and involve industry in providing child care and/or child care benefits to their employees.

This policy establishes that the City Council does not view itself in a primary role in assuring child care needs are met; rather, that is viewed as an appropriate role for federal and state governments. The policy statement calls for legislation to specific child care objectives and issues.

Special Needs Children

The City will support efforts to improve the accessibility, availability, and quality of child care for special needs children and their families. Priorities include providing support to child care providers serving special needs children, and improving the quality of child care.

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Implications of this policy are that: 1) the City will explore ways to provide targeted support services and resources to child care providers; 2) the City will coordinate with other agencies in order to offer educational trainings for child care providers serving special needs children; and 3) the City will continue to provide support to child care providers serving special needs children.

City/School Cooperative Efforts

The City will support ongoing efforts of local school districts to increase the availability of child care. Priorities to be addressed are to maintain the inventory of existing child care slots available at school facilities (whether opened or closed); to develop additional child care slots at school sites, particularly for those in Sunnyvale where no site now exists; explore with the districts potential ways to expand the child development and state pre-school programs, especially targeted to at-risk youth; to explore establishing additional extended care programs at school sites where the needs are most acute; and to encourage the training of child care personnel.

The implications of this policy are: 1) the City will make reference to the need to maintain facilities for child care uses in appropriate elements and sub-elements of the General Plan as they are amended or adopted (Land Use, Open Space, Socio-Economic); 2) the City will work with the school districts regarding child care, including ways to protect the inventory of sites; 3) the City will explore with the school districts means of developing and funding additional child care at school sites including expansion of child care by installing portables; 4) the City will jointly study with Sunnyvale School District the possibility of expanding the child development and state pre-school program (some funding from an outside source may be needed to assist with start-up costs for the program); 5) the City will explore ways of establishing and funding additional extended care programs at school sites; and 6) the City will work with high schools and junior colleges to develop child care training programs.

Support for Family Child Care Homes (FCCH)

The City will support activities designed to increase the availability and quality of family child care homes in Sunnyvale. Priorities include developing more infant care slots; improving the quality of home care; and increasing the numbers of licensed providers. The City will coordinate with the licensing agency to assist in facilitating the licensing procedure.

Implications of this policy are: 1) the City will participate in and perhaps lead efforts to recruit and support FCCHs; 2) the City will explore the possibility of providing program services to home care providers through the Recreation Division and Library; 3) the City will promote programs to encourage unlicensed homes to become licensed; 4) the City will coordinate with other agencies such as community colleges, in order to develop an

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educational/training program for FCCHs; and 5) the City will work with the county to facilitate licensing procedures.

Child Care Centers

The City will support the development of additional child care centers and improving the quality of their services in Sunnyvale. Priorities will be to provide support services for child care center programs (similar to FCCHs) and to review the possibility of expanding child care uses in churches.

The implication of this policy is that it will: 1) explore ways to provide support services to day care centers, possibly in conjunction with some services to be provided to FCCHs; and 2) explore the potential of developing more day care uses in churches.

Support for Child Care in the Private Sector

Priority will be given to facilitate efforts to establish child care centers in industrial areas if employers will provide significant financial support for the development of the center(s).

The implications of this policy is that the City would continue in its current child care policy role regarding industry. The City will cooperate with other agencies in their efforts to increase employer participation in child care. Staff will actively review the feasibility of establishing one or more child care centers in industrial areas of the City. However, the City would not develop the center itself, but would act in a coordinating role with other businesses and child care agencies. Some funding from an outside source, i.e. state grants, may be necessary in order to make this feasible. This policy would also be consistent with Council efforts to develop child care facilities in developments, should Council adopt that option.

Subsidized Child Care

As a general policy, the City will not directly subsidize child care through general fund money. Subsidized child care will be provided as needed to low-income individuals who participate in Workforce Investment Act (WIA) training with WIA funds in accordance with WIA guidelines.

This policy means that the City will not directly subsidize child care services with its general fund, but does not rule out that possibility if other funding sources are available

Other implications of this policy are that the City will be committed to allocating a portion of WIA funds to assist WIA clients with children while they are in WIA-sponsored child care programs. This provides flexibility in how care is provided, but clearly establishes the priority. The City will also advocate for state grants to assist with the funding. The City does not, however, view its role to use general funds to fund subsidized care beyond the funding provided with WIA funds and related state programs.

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Resource and Referral

The City will support efforts to improve the accessibility, availability and quality of child care resource and referral services to Sunnyvale residents. Priorities include establishing a resource and referral office in or near Sunnyvale; improving the capability of resource and referral services to develop additional child care slots; and improving the quality of referral services available.

Implications of this policy are that: 1) the City will advocate for the establishment of an office in or near Sunnyvale; 2) the City will review alternatives and funding sources available in order to upgrade the quality of service; and 3) the Council may be asked at a future time to provide incentives, such as office space, to establish a site or enhance services.

Funding Policies

City general funds expended for child care should be leveraged to increase the supply and quality of child care, especially infant care and extended care. City general funds shall not be used to provide or subsidize the provision of child care programs on an on-going basis except where an integral part of City programming, such as the Parks and Recreation fee-supported after school PALS program. City general funds may be used for Council initiated child care studies and coordination amongst various provider agencies and groups. City general funds may be considered in circumstances where funds can be effective in achieving policy goals through one-time capital/project funding and matching funds for support activities. Funding should be sought out through grants and other sources to allow for the implementation of City child care policies. Non-general funds may be used to support child care programs and activities consistent with the childcare policy such as the NOVA child care program or grants or intergovernmental funds the City may receive specifically for the provision of child care. The City's financial commitment to such direct programs ceases with non-general fund sources. Child care agencies/providers that receive City funds or indirect subsidies (such as below-market rents) are strongly encouraged to pay competitive compensation to their child care employees.

The implications of this policy are that the City will not spend City general funds for direct child care services, whether provided by another agency or by the City. However, this limitation does not apply to services that are provided through ongoing City programs that are supported by other General Plan Goals, Policies and Action Statements, such as services provided by the Library and Recreation Division. It may also fund capital/projects or provide matching funds for activities that leverage available child care resources through support activities. General funds may be used to support a child care coordinator position. The City may also use funds from other sources, such as grant funds, private contributions or funds raised through mitigation fees from development for projects or programs that increase the quantity and quality of child care available in the community. Staff will actively pursue other sources of funding. However, if such funds

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terminate, on-going support for the program will not be continued with general funds. The City will review the compensation policies of child care agencies that receive direct or indirect subsidies from the City as an indicator of the quality of services provided.

Intergovernmental Cooperation.

The City will coordinate with local government agencies to develop cooperative child care policies and programs and identify ways in which agencies can jointly enhance child care services.

The implication of this policy is that the City will establish cooperative relations with other local government agencies to facilitate the development and provision of child care services. Priority will be given to the development of cooperative agreements with agencies which provide services that cross jurisdictions (i.e. school districts may offer services in more than one city). The City may develop programs jointly with schools and adjacent cities to provide services to the entire student body at a given school which serves more than one city (such as extended care programs). The City will participate in joint efforts that facilitate cross-jurisdictional cooperation.

(Adopted: RTC 80-192 (3/25/1980); Amended: [No RTC] (3/25/1980), [No RTC] (3/15/1988) [No RTC] (1/31/1989); Amended, Policy Update Project (7/2005); Amended: RTC 07-363 (11/27/2007); Amended: RTC 09-046 (2/24/09)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 5.1.3 Human Services

POLICY PURPOSE:

The City of Sunnyvale recognizes that the supportive human services programs of the Federal, State and County governments do not fully meet the needs of all its population. The City, therefore, shall make its best efforts to provide supplemental human services, which include but are not limited to the emergency services, senior services, disabled services, family services and youth services.

The City establishes this Human Services Policy to insure that Human Services are identified and provided in the most efficient and effective manner.

This policy establishes guidelines for funding programs/services that may be provided on behalf of the City by outside groups. The intent of this policy is to:

- A. Establish a process through which outside groups can be funded to provide needed human services cost-effectively.
- B. Establish a methodology by which programs/services proposed by outside groups can be assessed.
- C. Establish an evaluation system that assures equity in the process of funding considerations by Council.
- D. Establish the type and amount of funding commitment that the City will provide.

This policy does not apply to those outside groups with whom the City contracts to provide City services other than human services. Human Services Agencies are defined as those which provide supportive services to a specific group of people, at least 51% of whom are low and moderate income (80% or less than of area median income).

POLICY STATEMENT:

- I. The City will bi-annually, prior to adoption of the two-year Resource Allocation Plan, review prevailing conditions of human needs within the City and give appropriate attention to Human Services Policies in the City. The Housing and Human Services Commission, following one or more public hearings, will recommend to City Council priority human service needs for the next two years. Following a public hearing, City Council will adopt a two-year priority of human service needs.
- II. The City seeks to meet as many Human Service needs as possible using its limited available resources. The primary resource utilized for funding human services is the Federal Community Development Block Grant (CDBG) which permits up to 15% of the

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annual grant entitlement to be utilized for such purposes. The City Council may choose to supplement CDBG funding of human services through the annual Operating Budget process.

III. The City assumes an advocacy role to manage the use of its resources to meet human service needs in Sunnyvale in the following ways:

- Encourages and advocates coordination and cooperation among organizations providing Human Services in Sunnyvale
- Advocates, encourages and wherever possible, facilitates the co-location of human service providers
- Actively pursues the cooperation of Federal, State, County and other agencies to enhance the quality and availability of human services to residents of Sunnyvale.

IV. The City *may directly provide* needed Human Services when:

- Specifically targeted intergovernmental funds (such as CDBG) are available. The City is the most cost-effective or logical provider of the service, AND
- Provision of such services by the City is compatible with the City's General Plan, policies and/or action plans.

V. The City *may fund service providers* of needed human services when:

- Specifically targeted intergovernmental funds (such as CDBG) are available,
- Another agency is the most cost-effective or logical provider of the service, AND
- Provision of such services by the City is compatible with the City's General Plan, policies and/or action plans.

VI. PROPOSAL FUNDING CATEGORIES:

Programs requesting funding must qualify under one of the categories below:

Operational: Funding of programs and services to address identified community needs or problems as specified in the City's General Plans or other policies through direct financial support and/or in-kind contributions.

- Programs/services funded under this category must represent a service that can be more cost-effectively operated by the proposer than by the City, or
- Must be such that the proposer because of its role in the community is the most logical service provider.
- Funding may be provided on a multi-year basis but is not guaranteed. Continued funding is contingent upon City budget limitations and proposer's previous program performance.

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- Proposer must demonstrate good faith efforts to secure funding for programs/service from other sources.

Emergency: Funding of operational programs offered in the community that meet an existing need for which normal funding is no longer available.

Proposers and programs qualifying under this category must demonstrate:

- Good performance of current programs;
- Current financial difficulties will largely curtail the services currently provided to City residents;
- Future funding to continue the program can be obtained from other sources with reasonable probability;
- Funding for programs qualifying under this category shall be limited to one year.

Seed Program: Funding for start-up of new programs designed to meet a significant community need or problem.

- Proposers must demonstrate a high probability that funding can be sustained beyond the commitment of City funds;
- Initial funding for seed programs is limited to one year;
- Second year funding may be possible if the program demonstrated good performance or special factors related to the continued need for funding can be demonstrated;
- Prospect must demonstrate good faith efforts to secure funding for programs/services from other sources.

Project: Funding of capital or other one-time projects designed to address a significant community need or problem.

- Funding of such projects shall be limited to a specific time frame, usually not more than one year.

VII. APPLICATION POLICY STATEMENT:

The City wishes to consider funding of needed and appropriate services. In order to determine which agencies should be awarded funding, the Council has adopted a formalized human services funding application procedure. All groups desiring to act as service providers, and requesting City funds to do so, must submit a complete application by specific due dates. Public notice of the availability of requests for proposals and the specified dates will be provided in ample time for applications to be prepared.

All applicants desiring a grant from the City to provide human and social services will be required to comply with the application procedure and time schedule. All applications will have to meet the following three criteria:

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1. Provide a service consistent with an existing recognized City priority need, policy, goal or objective;
2. Request funds for a program or project that qualifies under one of the four previously identified funding categories;
3. Have completed the application process and the application has been determined to be accurate and complete.

VIII. EVALUATION PROCESS:

To assure all applications for City funding of human services receive due consideration and to ensure Council is provided with the information it needs to make its funding decisions, the following evaluation process will be applied to requests received:

1. Applications not received by the due date will be rejected. Applicants submitting applications, which are materially incomplete, will have five working days from notification by staff to correct any deficiencies, or their applications will not receive further evaluation.
2. Staff will determine proposal eligibility based on guidelines provided in this policy. Proposals not qualifying will not be recommended to Council for funding and will not receive further evaluation.
3. Staff will prepare a technical evaluation of the applications and make recommendations to the Housing and Human Services Commission based upon the priorities adopted by City Council and upon its evaluation of the applicant's ability to effectively deliver such services.
4. The Housing and Human Services Commission will conduct formal evaluations of the applications, including the opportunity for each group to present its program in public hearing for evaluation. The Commission will make recommendations to the City Manager and Council for allocation of available CDBG funds to outside groups to provide human services. The Commission may also notify the City Manager and City Council of applications where a significant need will remain unmet even if Council allocates CDBG funds as recommended. The City Manager may recommend, and the City Council may provide supplemental funding from the annual Operating Budget.
5. The City Manager will forward the Commission recommendation to Council with a staff recommendation thereon.

The Housing and Human Services Commission shall develop evaluation criteria, which criteria must be consistent with adopted Council policy. Staff and the Commission will

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apply these criteria uniformly to all applications reviewed. The following guidelines for general evaluation criteria include (but are not limited to):

Critical Evaluation Factors. Each of these factors must be met for the program to receive a recommendation for City funding.

- The organization must meet minimum eligibility standards to receive funding.
- The organization and its program must have demonstrated good performance and capability to effectively provide the program.
- The organization and its program must deliver services in a cost-effective manner.
- The organization must be an appropriate agency to deliver this program.
- The program must not be a duplication of services provided in the same service area.
- The organization and its programs must demonstrate strong financial management *and effective management controls*.
- The proposed program must have a contingency plan for funding if City support is limited or eliminated in the future.

Favorable Evaluation Factors. The proposed program must address one or more of the following factors to receive a positive recommendation.

- The proposed program addresses a priority adopted by the City Council and is related directly to a general plan policy.
- The proposed program is a needed enhancement of any existing City program, and can be better performed by an outside group than by the City directly.
- The program has a diverse funding base and is not heavily reliant upon City funds to support its operation.
- The program has leveraged City funds with other funding sources to maximize service provision.

(Adopted: RTC 81-617 (10/13/1981); Amended: RTC 99-430 (10/19/1999); Amended: RTC 06-112 (4/11/2006))

Lead Department: Community Development Department

Policy 5.1.4 Incentives to Attract and Retain Businesses

POLICY PURPOSE:

Economic development incentives are tools used to influence business decisions about where new investment will take place. They can be either financial or non-financial. The purpose of this policy is to provide guidelines for how economic development incentives will be used to attract and retain businesses in the city for the purposes of revenue generation and the creation of jobs.

POLICY STATEMENT:

1. The City of Sunnyvale will not provide across-the-board incentives to all businesses based on sales taxes generated or jobs created as an attraction or retention tool.
2. The City will continue its emphasis on predictable, streamlined and coordinated development permit processing through the One-Stop Permit Center and continuous improvement in business-friendly customer service.
3. The City will assist local businesses to take advantage of financial assistance programs offered by state and federal agencies, including the SBA 504 Loan Program, Employment Training Panel, and Pacific Gas and Electric Company.
4. The City will support requests for Industrial Development Revenue Bonds and the Statewide Community Infrastructure Program upon request to help companies interested in locating or expanding in Sunnyvale reduce the costs of acquiring and developing facilities
5. The City will work with interested sponsors to identify potential sites to locate an incubator in Sunnyvale and assist in negotiating terms for purchase or lease of a site.
6. The City will be prepared to structure a financial incentive package for a specific business or type of business which the City Council has identified as a high priority for recruitment. Such a package will only be offered if necessary to overcome an expensive land assembly or infrastructure obstacle which stands in the way of the business locating in Sunnyvale. Any potential financial agreement will include financial protection for the City. The City will not provide direct funding to the business from existing general fund or other existing revenues. A financial incentive package might include a CDBG Section 8 loan or a partial sales tax or transient occupancy tax rebate wherein future revenues would be pledged, or shared with the company to offset costs associated with the project to make the project financially feasible. The return to the City shall exceed the financial incentive offered.

(Adopted: RTC 06-088 (4/4/2006))

Lead Department: Community Development

Policy 5.1.5 Utilization of Local Workforce in Construction Projects

POLICY PURPOSE:

The City of Sunnyvale encourages local developers and contractors working on construction projects within the City to utilize local workforces to the extent possible, as a means of supporting economic opportunities for all members of the community. The intent of this policy is to memorialize the City Council's commitment to local workforce utilization.

POLICY STATEMENT:

The Sunnyvale City Council supports improving the economic well-being of the entire community by increasing employment opportunities for residents of Sunnyvale. The rapidly escalating cost of living in the Bay Area coupled with the declining availability of traditional "middle-class" jobs make it difficult for the local workforce to maintain their place in the community. Development and construction of large-scale projects within the City can be a driver of economic growth and job creation, and it is in the public interest that the jobs be available to the local workforce so that the economic benefits can be shared by the entire community. Accordingly, the City of Sunnyvale encourages developers and contractors performing work in Sunnyvale to:

- Employ as many local workers residing in Sunnyvale and surrounding communities as possible;
- Pay workers a fair wage, consistent with prevailing wages set forth by the State Department of Industrial Relations for public works projects; and
- Utilize State-certified apprentices to the extent possible.

Lead Department: Office of the City Manager

(Adopted: RTC #15-0055 (May 19, 2015))

Policy 5.1.6 Wage Theft Prevention

POLICY PURPOSE:

To establish a Council Policy and procedure to prevent wage theft on City goods and services contracts as well as deny, suspend or revoke certain City permits and licenses to businesses with unpaid wage theft judgments.

BACKGROUND:

Wage theft occurs when an employer fails to pay its workers the wages to which they are legally entitled. It is the crime of stealing earned wages from workers. There are numerous forms of wage theft involving violations of employment laws but all resulting in workers earning less than they are entitled to earn.

Local and national studies on wage theft report that wage theft is a pervasive and chronic problem. Wage theft is not incidental, aberrant, rare or committed only by a few rogue employers at the periphery of the labor market. Instead it takes place in industries that span the economy – from retail, restaurants and grocery stores; caregiver industries; manufacturing, construction and wholesalers; building services such as janitorial and security; and personal services such as dry cleaning and laundry, car washes and beauty and nail salons.

POLICY STATEMENT:

1. GOODS AND SERVICES AGREEMENTS

It is the policy of the City of Sunnyvale that all parties contracting with the City pursuant to Sunnyvale Municipal Code Chapter 2.08 must comply with all applicable federal, state and local wage and hour laws including, but not limited to, the Federal Fair Labor Standards Act (“FLSA”), the California Labor Code and the Sunnyvale Minimum Wage Ordinance.

This Policy does not apply to any “public works” contracts as defined in City Charter Section 1309, Sunnyvale Municipal Code Chapter 2.09 and state law.

2. MANDATORY DISCLOSURE REQUIREMENT

As a part of any City solicitation for supplies, materials, goods and/or services, a potential contractor shall fully complete a “Bid Certification” (“Certification”). The Certification requires each potential contractor to disclose whether the contractor has been found by a court or final administrative action of an investigatory government agency to have violated federal, state or local wage and hour laws within the past five (5) years from the date of the submitted bid or proposal. For each disclosed violation, the potential contractor shall provide a copy of (i) the court order and judgment and/or final administrative decision; and (ii) documents demonstrating either that the order/judgment has been satisfied, or if the order/judgment has not been fully satisfied, a written and signed description of potential contractor’s efforts to date to satisfy the order/judgment. The completed Certification shall be submitted by the potential contractor to the City as a part of its bid or proposal.

A. *Bid or Proposal Disqualification Circumstances*

A potential contractor that has submitted a formal or informal bid or proposal to provide supplies, materials, goods and/or services to the City pursuant to Sunnyvale Municipal Code Chapter 2.08 ***shall*** be disqualified if the potential contractor has been found by a court or by final administrative action of an investigatory government agency to have violated applicable wage and hour laws on one (1) or more occasion ***and*** has one (1) unpaid wage judgment in the past five (5) years prior to the date of submission of a bid or proposal to provide supplies, materials, goods and/or services.

B. *Grounds for Contract Termination after the Award of the Contract*

A current contractor found by a court or by final administrative action of an investigatory government agency to have violated applicable wage and hour laws, in the five (5) years prior to or during the term of the contract with the City, ***may*** be in material breach of its contract with the City if the violation is not fully disclosed and/or satisfied per City contract requirements. Such breach may serve as a basis for contract termination and/or any other remedies available under law, including a stipulated remediation plan.

C. *Inaccurate or Incomplete Disclosures*

Inaccurate or incomplete disclosures constitute a violation of the City’s Wage Theft Prevention Policy and ***may*** result in immediate disqualification from the City solicitation and contracting process or immediate termination of any contract with the City.

3. CONTRACT LANGUAGE AFTER SUCCESSFUL BID OR PROPOSAL

All City contracts subject to this Policy shall include the following provisions:

Wage Theft Prevention

Compliance with Wage and Hour Laws: Contractor, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code, the Sunnyvale Prevailing Wage Policy and Minimum Wage Ordinance.

Final Judgments, Decisions, and Orders: For purposes of this Section, a “final judgment, decision, or order” refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the federal Department of Labor, the California Division of Labor Standards Enforcement, the City of Sunnyvale or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

Prior Judgments against Contractor and/or its Subcontractors: BY SIGNING THIS AGREEMENT, CONTRACTOR AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY FINDING – IN THE FIVE (5) YEARS PRIOR TO EXECUTING

THIS AGREEMENT – THAT CONTRACTOR OR ITS SUCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONTRACTOR FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS SATISFIED AND COMPLIED WITH – OR HAS REACHED AGREEMENT WITH THE CITY REGARDING THE MANNER IN WHICH IT WILL SATISFY – ANY SUCH JUDGMENTS, DECISIONS OR ORDERS.

Judgments or Decisions During Term of Contract: If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Contractor or a subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or Contractor learns of such a judgment, decision, or order that was not previously disclosed, Contractor shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or of learning of the final judgment, decision or order. Contractor and its subcontractors shall promptly satisfy and comply with any such judgment, decision, or order, and shall provide the City with documentary evidence of compliance with the final judgment, decision or order within five (5) calendar days of satisfying the final judgment, decision or order. The City reserves the right to require Contractor to enter into an agreement with the City regarding the manner in which any such final judgment, decision, or order will be satisfied.

City’s Right to Withhold Payment: Where Contractor or any subcontractor it employs to perform work under this Agreement has been found in violation of any applicable wage and hour law by a final judgment, decision or order of a court or government agency, the City reserves the right to withhold payment to Contractor until such judgment, decision or order has been satisfied in full.

Material Breach: Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

4. DENIAL AND REVOCATION OF PERMITS AND LICENSES UNDER THE SUNNYVALE MUNICIPAL CODE

The Sunnyvale Municipal Code shall contain language that allows the City to deny, suspend or revoke certain permits or licenses if a business fails to pay a court or final administrative action of an investigatory government agency for violating applicable wage and hours laws.

If the City receives complaints about permittees or licensees regarding wage theft, the department responsible for issuance of the permit or license shall work with the Economic Development Division and the City Attorney’s Office to investigate the complaint to determine whether denial, suspension, or revocation of the permit or license until the wage judgment is satisfied.

(Adopted: RTC #18-0215 (April 10, 2018))

Lead Department: Office of the City Manager

6.0 Long-term Advocacy Positions – Cultural

6.2 Library

- (2) Support funding of public library capital projects including possible legislation to lower the threshold for future library bond measures to 55% as was done for school bonds. *[2009 Library Staff Recommendation]* (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept. LRS**
- (3) Actively monitor and oppose legislation that jeopardizes the confidentiality of library patron information. *[2003 Library Staff Recommendation; 2004 Modification, 2005 modified by staff/2006 NLC Resolution]* (Moved to long-term Council Policy, RTC 11-022, February 8, 2011); Revised RTC 24-0102 (January 30, 2024)] **Lead Dept. LRS**
- (4) Support funding of California Library Literacy Services (CLLS), a state program that allows California’s public libraries to direct services to low-literate adults and their families. *[2010 Library Staff Recommendation]* (Moved to long-term Council Policy, RTC 12-09, February 7, 2012) **Lead Dept LRS**
- (5) Support full funding for the State Public Library Fund. *[*/Modified 1994]* (Moved to long-term Council Policy, RTC 09-046 (February 24, 2009) **Lead Dept. LRS**
- (7) Support adequate funding and reauthorization of the Library Services and Technology Act (LSTA). *[2001, Staff recommendation]* (Moved to long-term Council Policy, RTC 08-063, February 26, 2008) **Lead Dept. LRS**
- (8) Actively monitor and oppose any state or federal mandate that restricts open access to information [in any format]. Oppose federal government programs that direct libraries to provide filtering for Internet Access. *[*/2001 Modification/2002 NLC Resolution]* (Moved to long-term Council Policy, RTC 08-063, February 26, 2008) **Lead Dept. LRS**

(Adopted RTC: #08-063 (February 26, 2008); Revised RTC: #09-046 (February 24, 2009); Revised RTC: #11-022, (February 8, 2011); Revised RTC: #12-09 (February 7, 2012); RTC: 23-0158 (January 24, 2023); Revised RTC 24-0102 (January 30, 2024))

**No record of LAP origin.*

Policy 6.2.1 Library — Goals and Policies

Goal 6.2B: Provide library services to help community residents find and use the materials and information they need

Policy 6.2B.1: Give high priority to providing reference services for library patrons of all ages

Policy 6.2B.2: Organize and present materials so library users can find what they need

Policy 6.2B.3: Ensure lending procedures that are convenient to library users

Policy 6.2B.4: Provide outreach services at times and locations to meet needs of customers who do not travel to the Main Library

Goal 6.2C: Provide library programs and publications to educate, enrich and enlighten library users

Policy 6.2C.1: Promote life-long use of the Library and Love of Reading through programs for children

Policy 6.2C.2: Provide programs for teens and adults to reflect and expand the broad range of interests of community residents

Policy 6.2C.3: Give high priority to helping library visitors learn how to use the library and its resources

Policy 6.2C.4: Promote and publicize the Library so collections and services are known to a wide range of Sunnyvale residents and businesses

Goal 6.2E: Use new technology to optimize the development and delivery of library services

Policy 6.2E.1: Serve as an access point in the distribution of information in digital formats and other formats that evolve in the future

Policy 6.2E.2: Evaluate new technologies to improve the delivery of library services

Goal 6.2F: Foster a collaborative organization to attain a high performance and customer-focused Library

Policy 6.2F.1: Establish cooperative relationships to maximize the effectiveness of Library services

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Policy 6.2F.2: Incorporate community input and use other tools to assess the effectiveness of library services.

Policy 6.2F.3: Maximize the skills and knowledge of the library staff to deliver high quality library services

Policy 6.2F.4: Adopt practices and systems which streamline workflow to make library services and materials available to the public

(Adopted by Resolution 110-03; RTC 03-116 (4/8/03); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 6.3.2 Neighborhood Characteristics of the Taaffe-Frances Heritage Neighborhood

POLICY PURPOSE:

The Taaffe-Frances Heritage Neighborhood exemplifies a special part of Sunnyvale's cultural, social, political and architectural history. It is representative of architectural styles and a way of life that is a valuable reminder of the City's heritage. It is the purpose of this policy to preserve those historic characteristics which make this neighborhood unique.

POLICY STATEMENT:

The Taaffe-Frances Heritage Neighborhood is one of the oldest neighborhoods in Sunnyvale. It has a concentration of older homes which have generally retained their original architectural features. The neighborhood has a rich and rare variety of interesting architectural styles. It was created in 1925 and 1927 by the PALJOSE Subdivision which contained the 500 blocks of Taaffe and Frances and the west side of Murphy Avenue. There are 59 single family homes and two duplexes in the neighborhood. Lots are typically 6500 sq. ft.

The Taaffe-Frances neighborhood has a strong historic identity which is distinct from newer subdivisions in Sunnyvale. This neighborhood is oriented to the pedestrian rather than the automobile. There are generous parkway strips for shade trees and buffering pedestrians against traffic. Garages and cars are in back of the lot instead of dominating the front yard area. Entries to the homes come off the sidewalks instead of the garage driveways. These characteristics which create a pedestrian orientation help make this neighborhood unique.

The older, distinct architectural styles and pedestrian orientation of the Taaffe-Frances neighborhood are a valuable reminder of Sunnyvale's heritage. In order to preserve this unique historic character, all alterations and new construction should be consistent with the following neighborhood characteristics.

1. Architectural Style. Homes in this neighborhood were built in the 1920's, 1930's and 1940's. The predominant architecture is bungalow and period revival styles such as Spanish Colonial and English Tudor. Alterations and new additions should be consistent and integrated with the original architectural style of the home. Alterations on homes which are nonconforming with the predominate styles of the neighborhood, should be designed to conform to the neighborhood standard, if possible. New homes should be compatible with the scale and architectural theme of the neighborhood.
2. Garages. One of the key characteristics of this neighborhood is the detached garages which are located at the back of the homes with driveways down the side of the property. The detached garages have a major impact on the look and feel of

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- the entire neighborhood. The location of the garage in the back results in fewer cars by the sidewalk, less pavement, more landscaping and more spacious sideyard setbacks. Alterations and new additions should retain the side driveways and rear garages. Whenever possible, new garages shall be built in back of the house with side driveways.
3. **Entries.** Homes in this neighborhood typically have pathways to the front door which come off the sidewalk. Entries from the sidewalk should be retained for existing homes. Sidewalk pathways should be constructed if a new home is built.
 4. **Height.** Most homes in the neighborhood are single-story with fairly low pitched roofs. There are six two-story homes. Most of these are older homes originally built as two-story homes, or homes with dormers added to a high-pitched roof. They are generally compatible with the architectural styles and scale of the neighborhood. New second story additions should be carefully designed to be compatible with the predominant single story scale of the neighborhood.
 5. **Streetscape.** The narrow streets, large parkway strips and Magnolia tree canopy are significant features of this neighborhood. Public improvement should enhance and preserve these features.
 6. **Fences.** There are very few fences in the front setback area. Those that are in the front yard area are along the side property lines and are the traditional height of 3 or 4 feet. This creates a spacious, open feeling in the neighborhood. New fencing should not be constructed in the front setback area, except for 3 ft. fences along the side property lines.
 7. **Building Colors.** Homes in this neighborhood have a traditional 2 color residential paint scheme. Trim in a contrasting color is especially effective on these older, more ornate homes. Most building color are blues, white, browns and tans. Paint colors for individual homes should not be restricted, except that outlandish colors which detract from the neighborhood would not be appropriate.
 8. **Setbacks.** Homes in this neighborhood maintain a minimum 20 ft. front yard setback. The combination of the front setback and wider parkway strip create a deeper building setback from the road, which is a unique characteristic of the neighborhood. New construction should maintain the existing front setbacks in the neighborhood.

(Adopted: RTC 89-180 (4/25/1989))

Lead Department: Community Development Department

Policy 6.4.1 Arts — Goals and Policies

Goal A: Ensure the financial viability of arts programming, services and facilities in Sunnyvale through partnerships with the private and public sectors that enable the City to leverage resources while maintaining high standards of customer service.

Policy A.1. Maximize City, school, private industry, social service, and arts-related resources through collaborative development and implementation of arts programs, services and facilities with a strong focus on customer service.

Policy A.2. Encourage active citizen involvement in development and provision of arts programs, facilities, and services.

Policy A.3. Encourage a supportive environment that is receptive to the arts and welcomes the presence of art, resident performing arts companies, art services, performances, artists and performers in the community.

Goal B: Promote the physical and mental well being of the community and ensure equal opportunity for participation by providing opportunities within given resources and exercising strong customer service for high quality involvement - both passive and active - in arts programs and services.

Policy B.1. Provide balanced performing and visual arts programs and services within given resources, meeting high customer service standards and addressing the needs and interests of a culturally diverse community.

Policy B.2. Implement art program offerings within given resources and meeting high standards of customer service to meet the needs of identified groups within the population recognizing the rich cultural diversity of the community.

Policy B.3. Promote awareness, understanding and communication among different cultures and identified groups within the community through the use of the arts.

Goal C: Positively impact the development of youth by providing a strong foundation in the arts which can serve as intervention and prevention through opportunities for high quality involvement - both passive and active - in arts programs and services within given resources.

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Policy C.1. Develop and implement, within available resources, art programs and services that positively impact youth development through reduction of unsupervised time, so as to minimize and deter future high risk behavior.

Goal D: Maintain sound financial strategies and practices that will enable the City to provide a comprehensive arts program to a maximum number of citizens while supporting the concept and objectives of the community recreation enterprise fund.

Policy D.1. Support the concept and objectives of the Community Recreation Fund as a means to increase self-sufficiency of arts programs and services while reducing reliance on the City's General Fund.

Policy D.2. Identify additional non-General Fund revenue sources and, where possible, increase revenues from arts programs, services and facilities without jeopardizing the integrity and infrastructure of related facilities and with a commitment to providing excellent customer service.

Policy D.3. Utilize available pricing and promotional tools in order to maximize participation and/or use related to arts programs, facilities, and services, without jeopardizing the integrity and infrastructure of related facilities.

Goal E: Create an aesthetically pleasing environment for Sunnyvale through use of functional and decorative art.

Policy E.1. Encourage alternative funding sources, funding strategies and incentives to provide and encourage the provision of art in public and private development.

(Adopted by Resolution 193-95; RTC 95-363 (9/26/95); Consolidated General Plan Update (September 2011)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 6.4.2 Art Loans and Gifts

POLICY PURPOSE:

This policy is designed to establish consistent procedures for evaluation of proposed gifts or loans of artwork to the City of Sunnyvale.

POLICY STATEMENT:

It is the City's intention to develop a collection of art that is of the highest quality; that will encompass a broad range of artistic styles and media; that will improve the quality of life in the community and be a source of pride to all residents.

1. Definitions

For the purpose of the Sunnyvale unsolicited Art Loan Policy, works of art will include but not be limited to:

- Painting - all media, including portable and permanently affixed works, such as murals
- Sculpture - in all media, in the round, bas relief, mobile, fountain, kinetic or electronic
- Crafts - in clay, fiber, wood, metal, plastics and other materials
- Textiles
- Mosaics
- Photography
- Stained glass
- Calligraphy
- Graphic arts, including printmaking and drawing
- Mixed media

2. Criteria

The following criteria will be used to evaluate each unsolicited art loan or gift:

- A. The quality of the artwork;
- B. The relationship of the artwork to the existing public art collection in terms of diversity in style and media;
- C. The City's ability to handle, place, maintain and conserve the artwork; and
- D. Costs to the City.

3. Process

Each unsolicited art loan or gift will be reviewed by staff and the Arts Commission. A recommendation will then be forwarded to Council for final determination. The City shall be responsible for all costs to exhibit artwork that is

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accepted as a permanent donation to the City's art collection, including installation costs, insurance coverage, identification plaque and on-going maintenance. If an artwork is accepted on loan, the artist shall be responsible for all costs to exhibit artwork, including transportation, installation, insurance, identification and de-installation. At their option the artist may propose that the City pay a portion of these costs. This would require Council approval and a budget modification should Council decide to pay a portion of the costs related to display of a loaned artwork.

Recommendations for acceptance of an artwork will include a proposed site for installation or exhibition. In addition, costs to the artist, donor and/or City will be specifically defined for transportation, installation, insurance, identification plaque, maintenance and de-installation (when appropriate).

The City encourages clear, unrestricted gifts to the permanent public art collection. Any condition(s) or restriction(s) attached to the gift or loan of artwork will be evaluated by staff and the Arts Commission. No work of art will be accepted with an attribution or circumstances of exhibition guaranteed in perpetuity. A legal document of transmittal, transferring title of the art work and defining the rights and responsibilities of all parties, will accompany all gifts and loans of art work. Curatorial documentation of art work will include artists' name, descriptive record of the work, photograph and condition of the work.

(Adopted: RTC 88-561 (12/20/1988); (Clerical/clarity update, Policy Update Project 7/2005)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 6.4.4 Art in Public Places

POLICY PURPOSE

The purpose of this policy is to ensure uniform guidelines and procedures for the inclusion of publicly accessible art on public properties, and to establish uniformity between the requirement for art in municipal construction projects with the requirement for art in private development projects. Additionally, this policy will also provide uniform procedures and guidelines for the permanent removal or deaccession of a city-owned public art piece.

POLICY STATEMENT

In 2002, the City Council reviewed the status, intent and effectiveness of public art policy in Sunnyvale and approved a policy to require art in public construction projects under certain circumstances.

In 2012, the Council again reviewed the effectiveness of existing public art policy and voted to amend the current policies to include a deaccessioning policy for the City's Permanent Art Collection, as well as to further define project eligibility for subsidies from the City's Public Art Fund.

DEFINITIONS

1. Art: The conscious use of skill and creative imagination in the production of aesthetic objects.
2. Public Art: Artwork that is publicly accessible and that allows an unobstructed view of the artwork. The artwork can be located on either public properties or private properties.
3. Public Areas: Any public gathering place including, but not limited to; public plazas, the library, parks and park buildings, police and fire stations, community, neighborhood and senior centers, public transportation centers, and civic centers.
4. Publicly Funded Projects: All construction funded by public or taxpayer funds.
5. Public Art Fund: A fund established to create community art projects or to purchase artwork for installation on the interior or exterior of public buildings, or other such public property, such as parks, the grounds of public facilities, or community gateways. The Public Art Fund is administered by the Department of Library and Community Services and receives funding through in-lieu fees for art. Public Art Funds may be used to support eligible projects:
 - A. Create community art projects for installation on public property.
 - B. Install public art on public property such as parks or the grounds of public facilities such as the Community Center and Civic Center.
 - C. Install public art in the interior of public buildings that are deemed to be areas of concentrated public activity such as the lobbies and public areas of the Library, City Hall buildings and Community Center buildings.

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- D. Install public art at City gateways and focal points or other high profile locations identified in the Master Plan for Public Art.
 - E. Install temporary or rotating art exhibits on public property.
 - F. Subsidize public art projects required through municipal construction projects and located on public property.
6. Project Valuation: The City's building permit valuation formula as set forth in Title 16 of the Municipal Code will be used as the basis for calculating the required expenditure for public art. The formula is based on the building standards published by the International Conference of Building Officials. In the case of park and open space projects, the one percent (1%) requirement will be calculated based on the total project budget, excluding administrative costs.
7. Required Expenditure Valuation: When determining whether or not the 1% required expenditure has been met, the following costs can be included:
- A. The purchase price of the artwork
 - B. Art consultant fees
 - C. Travel costs for the artist
 - D. Transportation of the artwork to the site
 - E. Installation of the artwork
 - F. Site preparation costs directly associated with installation of the artwork
 - G. Landscaping that is integral to the artwork
 - H. Pedestals or display costs
 - I. Lighting for the artwork and utility fees associated with installation and/or operation of the artwork
 - J. Identification plaque
- Ineligible costs include:
- A. Land acquisition
 - B. Site preparation
 - C. Architect fees
 - D. Fees associated with dedication ceremonies, publicity, or educational components
 - E. Maintenance fees and repairs
8. Public Art Collection: The collection of artwork either donated to the City, or purchased through public funds, which is owned and maintained, in trust for the public, by the City of Sunnyvale.
9. Deaccession: The process to permanently remove an artwork from the City's Public Art Collection.
10. Disposal: Any method used to transfer ownership of the deaccessioned piece to another entity, either through sale, donation, trade or destruction.

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11. Conservation: The broad concept of care necessary to maintain an artwork in good condition.
12. Preservation: Actions taken to prevent deterioration of damage in artworks.
13. Restoration: The treatment of deteriorated or damaged artwork to approximate as nearly as possible its original (or artist-intended) form, design, color and function.

ART IN MUNICIPAL CONSTRUCTION PROJECTS

Eligible municipal construction projects are required to integrate public art. The artwork shall be located in publicly visible areas either inside a public building or on public property. The artwork shall be valued at an amount equal to 1% of the project valuation within a variance of ten percent.

PROJECT ELIGIBILITY

Eligible Projects:

- A. All aboveground publicly funded buildings or public open space projects within City jurisdiction with a construction valuation of \$1,000,000 or more. This includes the development or renovation of all public facilities, as well as; parks, street medians, City gateways, public plazas and any other locations identified in the Master Plan for Public Art developed in accordance with Council direction.
- B. All construction or renovation projects of \$100,000 or more in facilities such as:
 - Sunnyvale Community Center
 - Sunnyvale Civic Center complex including Library and Public Safety Building
 - Fire Stations
 - Columbia Neighborhood Center
 - Neighborhood Park Buildings
 - Water Pollution Control Plant and SMART Station
 - Focal points and gateways into the community
 - Any future City buildings that are comparable in nature

Exempt Projects: All underground projects, utility (including water) projects, streets and sidewalks, trees and landscaping, utility relocation, seismic upgrades, mechanical and electrical work, traffic improvements (such as traffic lights, crosswalks and traffic calming measures), and construction due to fire or other natural calamities.

ASSIGNMENT OF RESPONSIBILITIES

The Director of Public Works and the Director of Library and Community Services, or their designees shall be responsible for identifying municipal construction and renovation projects that meet the conditions of this policy and will be required to provide public art.

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The Director of Library and Community Services, or his/her designee shall be responsible for initiating public art projects that are not required through municipal construction, but that have been designated as eligible for funding from the Public Art Fund, in accordance with the City's approved Master Plan for Art.

1. Review Process for Art in Public Places:

A. Project review Committee: This committee will coordinate the public art component of an eligible municipal construction project, and shall consist of staff from the Departments of Public Works, Library and Community Services, and Community Development, as appropriate.

B. Location and Artwork Review: Possible locations for the artwork and the type of artwork to be considered for the project shall be identified with input from the Project Review Committee, the Sunnyvale Arts Commission, pertinent city staff, interested citizens and project architects. Based upon this information, proposals will be solicited from qualified artists.

C. Short List of Artists: The Project Review Committee will be responsible for reviewing all art proposals and/or qualifications of artist applications. A short list of 2-5 artists and/or proposals will be established by the Committee. The short list shall have a minimum of two artists and/or proposals for consideration.

2. Approval Process:

A. Report to Council (RTC): A draft RTC outlining the project and the short list of artists will be forwarded to the Arts Commission for review and recommendation prior to going to City Council for action.

B. Council Approval: Following Council approval of a specific art proposal, the Director of Library and Community Services, or the Director's designee(s), shall be responsible for coordinating the integration of the public artwork into the municipal construction project.

3. In-Lieu Fee Alternative:

A. The in-lieu fee alternative available to private developers applies to public construction projects at the discretion of the Director of Public Works.

B. If the in-lieu option is exercised, the funds will be placed in the Public Art Fund for acquisition and installation of art on public property or in public buildings at a later date.

PERMANENT ART COLLECTION

Artwork approved for purchase or commission by the City Council shall become part of the City's Permanent Art Collection. All artwork in the collection will be documented in the City's Public Art Inventory and identified with a metal plaque. Oversight and maintenance of the Public Art Collection is the responsibility of the Department of Library and Community Services.

DE-ACCESSIONING PLAN

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Artworks in the City's Public Art Collection are meant to remain on public display. However, circumstances may deem it necessary to permanently remove works of art from the City's Public Art Collection.

1. Eligible Circumstances for De-accessioning:

- A. Security: The security or continued good condition of an artwork cannot be reasonably guaranteed in its current location. Arts staff will attempt to relocate any artwork deemed at risk for security purposes; but in the event a suitable, secure location cannot be found, the item may be de-accessioned from the collection.
- B. Public Safety: The artwork is a danger to the general public because it is naturally deteriorating, or it has been altered through vandalism, unforeseen man-made circumstances or a natural disaster.
- C. Inauthentic: The artwork is discovered to be inauthentic or fraudulent.
- D. Stolen Art: The artwork is discovered to be stolen, and therefore, is returned to its legal owner.
- E. Theft: The artwork is illegally removed from its place of public display and cannot be located.
- F. Damage Beyond Repair: The artwork has been severely damaged and deemed "beyond repair" by a professional art conservationist, or the artist, and it cannot be restored to the artist's original intended condition for a price less than is considered prohibitive.
- G. Change in the Public Art Collection's Mission: The artwork no longer meets the mission of the Public Art Collection due to a formal change in the Collection's Mission Statement.
- H. Loss of Site (Site Alteration or Sale of Site): The artwork can no longer reside in its original location because the original location is altered due to construction, a change of site usage, or sale of the site. Arts staff will attempt to relocate the artwork to a suitable site; however, lack of a suitable site, either now or in the foreseeable future, or if there is not suitable storage until a site in the foreseeable future is available, could merit deaccessioning.

For site-specific artwork, or permanently-affixed artwork, deaccessioning may be warranted without any attempt to relocate the artwork. It is deemed that the artwork cannot be moved without causing irreparable damage or the cost of relocating the artwork is considered prohibitive.

- I. Temporary Acquisition: The artwork is intended to be a temporary display and the City's obligation to display the artwork is complete.
- J. Excessive Representation: The artwork is deemed as duplicative or excessive in representation of work of that type or of that artist.
- K. Aesthetic Value: The artwork has not withstood the test of time and has been professionally determined to lack aesthetic value to justify its continued upkeep and/or storage.
- L. Content: Once the Artwork has been accessioned into the City's Public Art Collection, it may not be de-accessioned solely on the basis of content or personal preference of any staff member, commission or board member, or member of the public.

2. Assignment of De-accessioning Responsibilities:

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- A. No city department shall remove any work of art from the site for which it was selected, nor remove it from display, without prior consent of the Director of Library and Community Services, or the Director's designees(s).
- B. The Director of Library and Community Services, or the Director's designee(s), is responsible for determining whether or not the artwork meets any of the above criteria for removal or de-accessioning.
- C. The Director of Library and Community Services, or the Director's designee(s), shall be responsible for oversight of the de-accessioning process.
- D. The Director of Library and Community Services, or the Director's designee(s), shall make every effort to contact the artist of the artwork recommended for de-accession, or the artist's heirs, using current contact information. The artist, or the artist's heirs, shall be given the opportunity to purchase the artwork, or its parts, before the disposal or destruction of the artwork.
- E. The Director of Library and Community Services, or the Director's designee(s), shall determine the purchase price of a de-accessioned artwork, based on current market value.
- F. In the event that the de-accessioned artwork is sold, the Department of Library and Community Services will deposit the proceeds of such sale into the Public Art Fund of the City.
- G. In the event that the de-accessioned artwork is sold or donated, the removal of the artwork from city property shall be the responsibility of the purchaser or recipient of the donation and shall be of no cost to the City.
- H. De-accessioning and disposal of an artwork must be conducted publicly and formally with adequate documentation. It must also comply with all applicable local, state and federal laws.
- I. No current, or former, member of the Art Commission, City Council or City staff member shall be allowed to bid and/or purchase a de-accessioned artwork.
- J. A permanent record of the artwork's inclusion in the City's Public Art Collection, and reasons for its removal, shall be maintained in a Public Art Collection database by the Department of Library and Community Services.

3. Process for De-accessioning Artwork:

- A. If an artwork is subject to any of the above conditions and deemed eligible for de-accessioning, the Arts staff will prepare a report for review and evaluation by the City's Arts Commission, which will prepare a formal recommendation to the City Council for action on the de-accession.
- B. The Staff Report shall include:
 - a) Reasons for the suggested de-accession
 - b) Original accession method(s) and cost of artwork
 - c) Estimated current market value of the artwork
 - d) Proposed de-accession method(s) and cost for each proposed method, including the sale price if applicable
 - e) When appropriate, photo documentation of the site conditions and/or current condition of the artwork in question
 - f) Official Police Report (if applicable)

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(Adopted: RTC 02-136 (5/7/2002); Updated for accuracy (10/28/09); Amended: RTC 12-187 (8/14/2012); Clerical update (9/30/14); Clerical update (12/3/14))

Lead Department: Department of Library and Community Services

Policy 6.4.5 Heritage Resources Plaque Program for Private Property

POLICY PURPOSE:

The purpose of this policy is to establish guidelines for the Heritage Resources Plaque Program for private property.

POLICY STATEMENT:

The purpose of the Heritage Resources Plaque Program is to increase awareness of the City's heritage resources, educate the community about the City's heritage, and encourage community engagement in Heritage Preservation efforts.

For any property owners who would like to recognize their property with a plaque will follow the instructions below:

Process:

1. Eligibility. Heritage Resources listed on the City of Sunnyvale's Heritage Resources Inventory are eligible for this Plaque Program.
2. Permit. A Sign Permit shall be required.
3. Limit. A maximum of five plaques per fiscal year shall be allowed. Any additional requests will be placed on a waiting list for the following fiscal year.
4. Notification. Property owners of heritage resources shall be notified about the availability of the Plaque Program at the beginning of each fiscal year. In addition to general information about the Plaque Program, the notice shall inform the property owners of the number of available plaques for the upcoming fiscal year, which may differ based on a waiting list established from the previous fiscal year.

Specifications:

1. Plaque. Plaques shall be rectangular and made of bronze. Plaque shall be approximately ten inches wide and seven inches tall.
2. Content. Plaques shall include "Sunnyvale Heritage Resource" and City logo along the top and resource's address and property characteristics in the center.
3. Plaque Installation.
 - a. Responsibility. Property owner(s) shall be responsible for installing the plaque and shall follow the installation instructions provided by the City.
 - b. Location. Location of the plaques shall be subject to approval from the Community Development Director. The plaques are recommended to be installed on the structure's front façade or on a pedestal with a slanted surface.
4. Maintenance. Property owner(s) shall be responsible for maintaining the installed plaque on their properties.

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(Adopted: RTC 20-0359 (5/19/2020))

Lead Department: Community Development Department

7.0 Long-term Advocacy Positions – Planning and Management

A. Elections

- (1) In cooperation with County Registrar of Voters, contain costs of elections as long as the elections process is not adversely affected (i.e., purge voter rolls, limit costs for candidate statements, prevent abuse of absentee ballot process). **Lead Dept. OCM**
- (2) In cooperation with County Registrar of Voters, support practices which would increase voter turnout in local elections (e.g., mail ballots, more information to voters for judicial elections). **Lead Dept. OCM**
- (3) Support efforts to increase vote-by-mail voters. Support efforts to simplify and to expedite the counting of absentee ballots. **Lead Dept. OCM**
- (4) Support efforts to achieve the goals of the Political Reform Act of 1974 (reporting conflict of interest statements to the Fair Political Practices Commission) in a more cost-effective way. **Lead Dept. OCM**
- (5) Support Instant Runoff Voting if/when it is determined to be economically and technologically feasible for the county. **Lead Dept. OCM**

B. Fiscal Management

- (1) Oppose actions that would negatively impact the allocation of tax increment revenue to redevelopment successor agencies. (Adopted w/ modification, RTC 15-0008 (January 6, 2015) **Lead Dept. FIN**
- (2) Oppose all changes that affect the timing of payments to local governments. **Lead Dept. FIN**
- (3) Oppose any legislation that reduces or erodes local revenues or local control. **Lead Dept. FIN**
- (4) Support positive reform of the state fiscal structure and procedures. **Lead Dept. FIN**
- (5) Ensure local governments' revenue sources are protected and predictable. **Lead Dept. FIN**

C. Intergovernmental Relations

- (1) Support balanced representation of the City of Sunnyvale on any regional/sub regional government body or entity which is created, and cooperative analysis and negotiation among neighboring and overlapping jurisdictions, prior to promulgating laws, regulations, permits and fees that will have an impact on

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City business, residents, property owners and/or businesses in Sunnyvale. **Lead Dept. OCM**

- (2) Advocate for local control of transportation, housing, land use, and water issues affecting Sunnyvale, except for government functions where regional control may be more appropriate for services delivered on a regional basis. **Lead Dept. OCM**
- (3) To ensure that local governments are consulted and their issues considered, support collaborative efforts and continued relations with, and funding from, other agencies, the State or the Federal Government, for matters where mutual concerns exist (i.e. immigration enforcement, terrorism prevention, safety of public utility systems, local/state/national disasters or emergencies, and homeland security directives), which could have an impact on the delivery of City services. **Lead Dept. OCM**
- (4) Support cooperative analysis and negotiation among neighboring and overlapping jurisdictions prior to promulgating laws, regulations, permits and fees that impact residents, property owners and businesses in locations receiving service from multiple agencies. **Lead Dept. OCM**

D. Human Resources

- (1) California Public Employees' Retirement System (CalPERS) - support efforts that maintain or increase local contracting agency control for the use of assets in individual employer accounts, and oppose any actions that would divert assets from individual employer accounts, including opposing any benefit enhancements for participants that are mandated by the State. **Lead Dept. HRD**
- (2) Oppose any form of mandatory enrollment in Social Security for employees covered under another retirement program. (RTC 22-0061, January 25, 2022) **Lead Dept. HRD**
- (3) Support legislation regarding worker's compensation reform that reduces or does not increase costs to the City, and which continues to provide reasonable and necessary medical treatment to the injured employee. **Lead Dept. HRD**

E. Telecommunications

- (1) Support legislation that would prohibit the publishing of personal information of elected or appointed officials, including first responders, in newspapers or similar periodicals and on web sites. **Lead Dept. OCA**
- (2) Urge the federal government to encourage deployment of broadband networks in a competitive and technologically neutral manner and to support federal proposals that promote municipal broadband. Oppose any federal proposals

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that serve to preempt municipal authority to act in the interest of its citizens, by preventing local governments from installing and operating municipally owned cable or telecommunications systems. **Lead Dept. OCM**

F. Miscellaneous

- (1) Support efforts to revise the California Constitution to enhance accountability, efficiency, and responsiveness of local governments. **Lead Dept. OCM**
- (2) Support existing provisions of the Brown Act regarding closed sessions. **Lead Dept. OCA**
- (3) Review all proposed changes to current attorney-client privilege statutes. **Lead Dept. OCA**
- (4) Support home-rule authority of charter cities and oppose any efforts to reduce local control over the City and/or its Sphere of Influence. Support strengthening “home rule” provisions in the State Constitution. **Lead Dept. CDD**
- (5) Support efforts to amend the California Constitution to require a simple majority vote for adoption of any ballot measures. **Lead Dept. OCM**
- (6) Support efforts to restore funding to the California court system to improve court access and case management. (Adopted w/ modification, RTC 15-0008 (January 6, 2015) **Lead Dept. OCA**
- (7) Support legislation to modernize the Ralph M. Brown Act as it pertains to teleconferencing during public meetings. Urge the Legislature provide more flexibility for cities and intergovernmental boards to improve and enhance, should the agency choose to do so, remote access for public officials (Councilmembers and board or commission members) in public meetings. Support legislation that allows for broader access and transparency without adding unfunded mandates on local public agencies. (Adopted w/ modification, RTC 21-0576 (July 27, 2021) **Lead Dept. OCM**
- (8) Advocate for Sunnyvale’s communities of interest during the county, state, special district and other local public agencies, and congressional redistricting process to support efforts that encourage one Legislative representative for each elective office that represents the residents of Sunnyvale. Advocate for Sunnyvale’s communities of interest during the county redistricting process to support efforts that encourage county representatives from at least two supervisorial districts. (Adopted w/modification, RTC 21-0723 (August 10, 2021)) **Lead Dept. OCM**
- (9) Urge the Santa Clara County Board of Supervisors to draw supervisorial districts as a numerical representation of the City of San Jose’s population so

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that the number of County supervisors representing San Jose does not exceed three County supervisors. (Adopted, RTC 21-0854 (August 31, 2021)) **Lead Dept. OCM**

- (10) Urge the Governor issue new executive orders as necessary, to continue to help Sunnyvale respond to, recover from, or mitigate the impacts of the COVID-19 pandemic. (Adopted, RTC 21-0842 (August 31, 2021)) **Lead Dept. OCM**
- (11) Advocate for Sunnyvale's communities of interest during the Fremont Union High School District (FUHSD) (re)districting process to support efforts that preserve equal Trustee representation. Advocate for Sunnyvale's communities of interest during the development of the trustee area boundary map. (Adopted, RTC 24-0456 (March 26, 2024)) **Lead Dept. LRS**
- (12) Advocate for secure, reliable, and timely postal service for Sunnyvale residents. (Adopted, RTC 24-0456 (March 26, 2024)) **Lead Dept. OCM**

(Adopted: RTC #09-046 (February 24, 2009); Revised: RTC #11-022 (February 8, 2011); Revised: RTC #12-09 (February 7, 2012); Clerical/clarity update, LAP Consolidation (RTC #12-09, May 24, 2013); Adopted w/ modification, RTC #15-0008 (January 6, 2015); Adopted w/ modification, RTC 21-0576 (July 27, 2021); Adopted w/modification, RTC 21-0723 (August 10, 2021); (Adopted: RTC 21-0854 (August 31, 2021); (Adopted: RTC 21-0842 (August 31, 2021); (Adopted: RTC 22-0061, January 25, 2022); Adopted: RTC: 23-0158 (January 24, 2023); Revised: RTC 24-0456 (March 26, 2024))

I

Policy 7.1.1 Fiscal — Long Range Goals and Financial Policies

LONG RANGE GOALS

- I. To make financial decisions over a 20-year planning horizon to allow decision-makers to consider the long-range implications of short-range budgeting decisions.
- II. To operate a performance based budget system which provides Council and management with data on accurate workload measures of key successes of service, and motivation to continuously improve overall productivity, cost effectiveness, and quality of service.
- III. To design and maintain capital improvements to assure cost efficiency, accomplish City goals and policies, and focus on prevention so as to minimize or reduce future operating costs.
- IV. To maintain sufficient reserves so as to maintain service levels during periods of economic downturn.
- V. To make investments to stabilize service levels over time and reduce pension and other post-employment benefit liabilities (OPEB).
- VI. To fund only those programs and projects which are consistent with the General Plan and which are anticipated to most cost-effectively implement the Plan.
- VII. To undertake full cost accounting for all City services to facilitate accurate resource allocation decisions and fee recovery.
- VIII. To ensure accuracy and policy consistency in City processes and reporting through regular financial and performance audits of programs.
- IX. To facilitate the smooth and timely purchase of needed goods and services while maintaining sufficient competitive purchasing processes to deliver the lowest prices.
- X. To ensure proper and diverse investments of the City's idle funds based upon the principles, in priority order, of safety, liquidity and return on investment.
- XI. To prudently utilize the issuance of debt to minimize costs, maximize cash flow, and/or ensure that future users are responsible for costs as appropriate.
- XII. To maintain a diversified and stable revenue base that generates the resources necessary to sustain essential City services over the Long Term Financial Plan.

FINANCIAL POLICIES

7.1A BUDGET POLICIES

A.1: Development of the Budget and Resource Allocation Plan

- A.1.1 The public will be encouraged to participate fully in the budget process.
- A.1.2 A Study/Budget Issues Workshop will be held each year prior to preparation of the City Manager’s Recommended Budget to consider budget issues for the upcoming Recommended Budget..
- A.1.3 A balanced Twenty-Year Resource Allocation Plan shall be presented to the City Council annually.
- A.1.4 The Twenty-Year Resource Allocation Plan shall be prepared on a two-year Operating Budget cycle.
- A.1.5 The Operating Budget shall be approved annually with the second year approved in concept.
- A.1.6 A proposed budget shall be recommended to the City Council by the City Manager no less than thirty-five days before the beginning of the fiscal year, in accordance with the City Charter.
- A.1.7 At least one public hearing shall be held after the City Manager’s Recommended Budget is presented to the Council in order to solicit public input before adoption.
- A.1.8 Boards and Commissions should review the annual budget as appropriate to their area of interest and make recommendations to the City Council.
- A.1.9 The City Council shall adopt the City Manager’s Recommended Budget, with any changes desired, by resolution before June 30th of each year.
- A.1.10 Resources will be allocated in direct relation to General Plan goals.
- A.1.11 The Resource Allocation Plan shall be prepared by General Plan element to link city resources with the accomplishment of General Plan goals.
- A.1.12 New or expanded services should support the priorities reflected in the General Plan.
- A.1.13 All competing requests for City resources should be weighed within the formal annual budget process.
- A.1.14 Final actions on study issues with significant financial impacts should be withheld until they can be made in the full context of the annual budget process.

A.2: Long Term Financial Planning

- A.2.1 The City shall maintain a long term fiscal perspective by annually preparing a Twenty-Year Long Term Financial Plan for each fund. Those funds which account for intergovernmental grants will only include known entitlements.
- A.2.2 Major financial decisions should be made in the context of the Twenty-Year Long Term Financial Plan.
- A.2.3 Long term financial planning should enable the current service level provided to be sustained over time through the strategic use of reserves.

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- A.2.4 The Long Term Financial Plans should be used to communicate the fiscal impact of City decisions to all stakeholders whenever possible.

A.3: Performance-Based Budget System

- A.3.1 The operating budget will be prepared and managed on a program basis.
- A.3.2 All costs attributable to a budgeted program will be fully reflected in program budgets (with the exception of capital costs of general-use public buildings and facilities).
- A.3.3 An emphasis should be placed on achieving maximum work productivity to ensure an optimal allocation of human and fiscal resources for Council approved services and programs.
- A.3.4 All operating programs must identify the service provided, the service level, and the resources necessary to accomplish the specific service level.
- A.3.5 A performance measurement system will be maintained and used to evaluate quality of service and to report results.

A.4: Budget Monitoring and Modification

- A.4.1 Expenditures for each department are legally limited to the amount authorized by the City Council in the Budget Resolution, plus subsequent changes individually approved by the City Council through Budget Modifications.
- A.4.2 The City's annual budget may be modified at any Council meeting by a majority vote of the City Council.
- A.4.3 The City's budget appropriation control shall be by department within the same fund for departments in the General Fund and Special Revenue Funds. For the Proprietary and Internal Service Funds, expenditures cannot exceed actual revenues plus the planned use of reserves.
- A.4.4 Appropriations for capital and special projects shall be limited to the amounts contained on the Budget Resolution for each project. All modifications to project budgets require Council approval.
- A.4.5 Budget reappropriations among programs within a Department and Fund may be authorized by the City Manager if service levels as approved by City Council are maintained.
- A.4.6 Any unexpended appropriations shall expire at fiscal year-end unless specifically reappropriated by the City Council for expenditure during the new fiscal year.

7.1B REVENUE POLICIES

B.1: Revenue Base

- B.1.1 The City will maintain a diversified and stable revenue base, not overly dependent on any land use or external funding source.

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- B.1.2 Taxes levied by the City will be used for the purpose of financing services performed for the common benefit.
- B.1.3 Taxes should be held at their lowest possible level, while maintaining Council-approved service levels.
- B.1.4 When considering a new tax or revenue source or an increase in an existing tax or revenue source, the following criteria should be considered:
- Community/voter acceptance
 - Competitiveness with surrounding communities
 - Efficiency of revenue collection and enforcement
 - Effectiveness in generating sufficient revenues in the short and long-term to justify its establishment
 - Enhancement of revenue diversity to promote stability and provide protection from downturns in business cycles
 - Equity/Fairness in distribution of the revenue burden on various segments of the community
- B.1.5 Reliance on any restricted sources of revenue will be avoided.
- B.1.6 One-time revenues should not be used for ongoing expenditures.
- B.1.7 Revenue should not be targeted for a specific program, unless a revenue source has been established for the sole purpose of financing a particular expenditure.
- B.1.8 Potential new revenue sources will be investigated periodically to ensure that the City's revenue base is stable and diversified.
- B.1.9 Donations, contributions, and sponsorships may be accepted if they are in accordance with City policy and General Plan priorities.

B.2: Revenue Forecasting and Monitoring

- B.2.1 All revenue estimates must be conservative, objective and reasonable.
- B.2.2 Revenue forecasts should be based on detailed information regarding historical performance and economic conditions whenever possible.
- B.2.3 At least ten years data for all tax revenue sources will be maintained.
- B.2.4 Revenues will be estimated for the budget year and for each planning year in the Twenty-Year Resource Allocation Plan.
- B.2.5 Methods to maximize the accuracy of revenue forecasts will be established.
- B.2.6 Estimated revenues from grant sources will be projected only to the specific date on which the entitlement will end.
- B.2.7 Estimated intergovernmental revenues for which the City is eligible (but which are not guaranteed) will be forecast to assure that local matching funds will be available if the revenues are realized.

B.3: Revenue Collection

- B.3.1 The City will seek all possible Federal and State reimbursement for mandated projects and/or programs unless the cost of seeking the reimbursement exceeds the benefit received.

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- B.3.2 An aggressive collection system for all accounts receivable, including utility receivables, will be utilized to assure that monies due to the City are received in a timely fashion.
- B.3.3 Monthly reviews and periodic audits of Transient Occupancy Tax returns will be conducted.
- B.3.4 Monthly reviews and periodic audits of all major locally administered revenue sources will be conducted.
- B.3.5 Periodic point-of-sale audits for Sales Tax will be conducted.

B.4 Grants and Intergovernmental Assistance

DELETED
See Council Policy 7.1.5
Grants, Donations, Contributions, and Sponsorships

B.5: User Fees

- B.5.1 User fees should be used to recover the cost of services that benefit specific segments of the community.
- B.5.2 User fees should be reviewed and adjusted at least annually to avoid sharp changes.
- B.5.3 User fees and charges should not exceed the City's full cost of providing the service.
- B.5.4 User fees should be established at a level which reflects the full cost of providing those services unless the City Council determines a subsidy is appropriate.
- B.5.5 The City Council may determine for any service whether a subsidy from the General Fund is in the public interest.
- B.5.6 User fees shall only be used when the cost of providing the service can be readily calculated and administered.
- B.5.7 User fees should be adopted by Council resolution and included in the Annual Fee Schedule.
- B.5.8 For fees and other charges not subject to administrative hearings, the City Manager or the City Manager's designees have the authority to waive fees, fines, interest, and/or penalties under the following circumstances:
 - The fee or fine is for the first offense and the amount waived is \$50 or less, or
 - The balance due is less than \$10 and sending it to collections is not cost effective, or
 - City staff has determined waiving a portion of fees, fines, penalties, and/or interest maximizes the amount of revenue the City will collect and has received approval from the department director.
- B.5.9 A Recreation Scholarship Program system should be provided to allow persons who are low-income residents to participate in and utilize programs, facilities, and services provided by the City. Eligibility for the Recreation

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Scholarship Program will apply to all resident youth (17 and under) who are at or below 80% of area median income established by Department of Housing and Urban Development (HUD). The criteria for eligibility in this system shall be established by Council policy. The annual maximum per person scholarship amount will use “a bundle of services” approach, equivalent to four representative activities or one camp per year. The specific amount is reviewed and updated administratively by the Director of Library and Recreation Services.

- B.5.10 User fees for Golf, Tennis and recreation services shall be set administratively by the Director of Library and Recreation Services in accordance with a documented methodology that depicts a relationship to cost recovery, market forces, and adjustments based on such factors as:
- Perceived benefit to the community
 - Pricing which favors Sunnyvale residents over non-residents
 - Target populations
 - Promotional and marketing considerations
- B.5.11 The fees established administratively by the Director of Library and Recreation shall be published at least twice a year.

*Note: For additional user fee policies, please see Enterprise Fund policies.

7.1C CAPITAL IMPROVEMENT POLICIES

C.1: Capital Improvement Plan

- C.1.1 An updated Twenty-Year Capital Improvement Plan shall be prepared on a two-year budget cycle.
- C.1.2 The City shall fund only those Capital Improvement Projects that are consistent with the adopted Capital Improvement Plan, City priorities, and General Plan goals.
- C.1.3 High priority should be given to replacing capital improvements prior to the time that they have deteriorated to the point where they are hazardous, incur high maintenance costs, negatively affect property values, or no longer serve their intended purposes.
- C.1.4 New or expanded capital improvements should maximize value and avoid duplication whenever possible by partnering with other entities to pool resources or share facilities.
- C.1.5 Priority will be given to the repair and replacement of existing infrastructure as compared to the provision of new or expanded facilities.
- C.1.6 The decision on whether to repair or to replace an existing capital asset will be based on which alternative is most cost-effective or provides the best value to the City over time.
- C.1.7 The operating impact of proposed capital projects, including ongoing operating expenditures, capital outlay, debt service, and infrastructure

replacement will be identified in the Capital Budget and considered in the selection of projects for funding.

- C.1.8 Staff will identify the estimated costs, potential funding sources, return on investment, project schedule and relationship to the General Plan for each capital project proposal before it is submitted to the Council for approval.
- C.1.9 Capital improvements should be maintained to the level required to adequately protect the City’s capital investment and to minimize future maintenance and replacement costs.
- C.1.10 A Capital Projects Fund shall be used to account for major capital acquisition or construction projects associated with the General Fund and other governmental funds. The capital projects of the Utility Enterprise Funds shall be accounted for within the respective fund.
- C.1.11 The Infrastructure Renovation and Replacement Fund shall be used to account for projects related to the renovation and replacement of existing general City assets. Infrastructure projects related to the City’s utilities shall be accounted for in the respective utility fund.

C.2: Funding

- C.2.1 Governmental capital improvements should be funded on a “pay-as-you-go” basis in most cases. Alternate financing strategies may be considered in light of the specific project and the consequences of each financing strategy.
- C.2.2 Development-related improvements such as sidewalks, curbs and gutters, street lights, and water and sewer lines should be funded by those directly benefiting from the improvements.
- C.2.3 The City will seek out and use intergovernmental funding sources for capital improvements, as is consistent with City priorities and General Plan goals.
- C.2.4 Funds for the replacement of City assets originally paid for by a developer should be included in the Capital Improvement Plan of the appropriate City fund.

C.3: Design and Evaluation

- C.3.1 The planning and design of capital improvements should be based on standards that minimize construction costs, while assuring acceptable useful life and reducing maintenance requirements. Value engineering processes will be utilized when necessary and appropriate.
- C.3.2 Budgeting for capital projects must reflect when the expenditures are scheduled to occur, using multi-year planning to ensure a reasonable time frame for projecting costs.
- C.3.3 Budgeting for capital projects over time should reflect the current industry standards for the growth of construction costs.

- C.3.4 Improvements should be designed with the following goals: to maximize energy efficiency, require minimal maintenance, create an efficient physical relationship for those working in the facility, provide adequate capacity for the projected useful life, and to have the ability to accommodate expected future expansion with minimum remodeling costs.

7.1D LAND POLICIES

DELETED
See Council Policy 1.2.7
Acquisition, Leasing, and Disposition of City-Owned Real Property

7.1E RESERVE POLICIES

E.1: General Fund Reserves

- E.1.1 The General Fund Contingency Reserve will be maintained at 15% of operations costs in year one of the long-term plan, with annual increases based on projected increases in the Consumer Price Index. This reserve will only be utilized for non-fiscal emergencies or disasters as determined by Council.
- E.1.2 The sale of surplus property owned by the General Fund and any other one-time revenues shall be placed into a Reserve for Capital Improvement Projects to be used for capital improvement or expansion.
- E.1.3 The Budget Stabilization Fund shall be used to absorb economic cycles and maintain stable service levels over the long term.
- E.1.4 The Budget Stabilization Fund will be a minimum of 15% of projected revenues for the first two years of the 20-year planning period. Beyond year two, the Budget Stabilization Fund will always have a balance of at least zero.
- E.1.5 The Service Level Set-Aside will be used to provide ongoing funds to increase service levels or add new services. Once used, this Set-Aside may be replenished according to economic conditions.

Any other reserves may be established to segregate funds which are legally restricted to specific purposes.

E.2: Internal Service Fund Reserves

- E.3.1 The City will establish and maintain an Equipment Replacement Reserve to provide for timely replacement of the City's fleet, furniture and fixtures, technology and communication equipment.

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- E.3.2 Reserve levels for each type of equipment will be established based on the lifecycle of existing assets accounted for in the appropriate Sub-Fund of the General Services Fund.
- E.3.3 Equipment replacement expenses should be amortized through the use of rental rate charges to be fully funded by users.
- E.3.4 The Workers' Compensation Reserve shall be maintained at a level deemed adequate to meet projected liabilities as determined by an actuarial evaluation.
- E.3.5 The Liability and Property Reserves will be maintained at a level which, together with purchased insurance policies, will adequately indemnify the City's property and liability risk. A qualified actuarial firm shall be retained in order to recommend appropriate funding levels.
- E.3.6 An Actuarial Retiree Medical Reserve will be maintained at a level that is deemed adequate to meet projected liabilities as determined by an actuarial evaluation. This Reserve should meet the GASB reporting requirements for these future costs.
- E.3.7 Rate Uncertainty Reserves will be funded for those employee benefits expenditures exhibiting high volatility or significant increases. The reserves will ensure adequate funding while minimizing the effect on the funding of other City operations.

E.4. Pension and Other Post Employment Benefit Funding

- E.4.1 The City shall utilize the services of an independent professional actuary ("actuary") not less than every other year to advise the City on its progress in paying down pension liabilities. The report shall also recommend if it is financially advantageous for the City to make payments directly to CalPERS for paying down the liability, or to invest in the Section 115 Trust or some combination thereof.
- E.4.2 The City shall keep track of the City's pension liability for Utility Funds separately from General or Special Revenue funded employees, since the former have a dedicated source of funding. Prudent actuarial assumptions shall govern how the liabilities of Utility employees will be calculated. Utility Funds shall build the cost of paying down these liabilities into their rate plans for both actives and retirees.
- E.4.3. In years where there are one-time savings in the General Fund operating budget, a portion of those savings shall be prioritized to pay for unfunded Pension and OPEB Liabilities except where replenishing the Budget Stabilization Fund to maintain fiscal sustainability is needed

7.1F DEBT MANAGEMENT POLICY

DELETED
See Council Policy 1.1.8
Fiscal – Debt Management Policy

7.1G ACCOUNTING POLICIES

G.1: Accounting Principles

- G.1.1 A Comprehensive Annual Financial Report (CAFR) will be prepared each year within six months of the close of the previous fiscal year.
- G.1.2 The CAFR shall be prepared in accordance with generally accepted accounting principles applicable to local governments, and shall receive an unqualified opinion by the City’s independent auditor each year.
- G.1.3 The Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting should be pursued annually.
- G.1.4 The accounting system shall provide a mechanism to fund accrued benefits liabilities.
- G.1.5 Pension obligations will be fully funded annually and current pension contributions will not be deferred to balance current expenditures.
- G.1.6 An integrated accounting and budgeting system will be maintained so that production and cost for each activity can be calculated and evaluated.
- G.1.7 The City Council shall be provided with periodic summary financial reports, by fund, comparing actual revenues and expenditures to budgeted amounts.
- G.1.8 The City shall maintain a full cost accounting system.
- G.1.9 A city-wide Cost Allocation Plan shall be developed to identify the cost of administrative support for all City departments and special funds.
- G.1.10 The “modified approach” to account for streets infrastructure capital assets, as defined by GASB No. 34, shall be utilized for the City’s street network. The City Council will establish a range of acceptable condition levels for the street network on a biennial basis and the City Manager will set the actual target condition level(s) each year.
- G.1.11 The City shall establish such separate funds as required by law to account for grant funding and other revenues limited to specific use.
- G.1.12 Internal Service Funds shall be used to account for the financing of goods and services provided by one department or agency to other departments or agencies of the City.
- G.1.13 Internal Service Funds shall be used to equitably distribute facility, vehicle and equipment replacement and maintenance costs among City user departments and to assure that adequate funding is on hand to replace/maintain assets and pay liabilities.

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- G.1.14 Internal Service Funds shall be maintained to account for employee benefits and to provide a mechanism to fully fund accrued benefit liabilities.

G.2: Internal Controls

- G.2.1 A system of effective internal controls shall be maintained that assures only properly authorized expenditures, recordings of financial transactions, and accounting entries are executed and provides for the physical security of City funds and assets.
- G.2.2 The City's Internal Audit function should conduct its work in accordance with generally accepted government auditing standards to ensure the independence of its findings.
- G.2.3 Periodic financial reviews will be conducted to assure that adequate internal controls exist, at a reasonable cost, and that fiscal practices are in compliance with Federal, State and City rules and regulations.
- G.2.4 Operational audits will be conducted to evaluate the efficiency and effectiveness of City functions.
- G.2.5 Performance audits will be conducted regularly the City Manager to verify that the performance data reported by each Department is complete, valid and accurate.
- G.2.6 The City's cash handling practices shall be reviewed at least quarterly, as required by the City Charter, in order to safeguard the City's cash assets.

7.1H PURCHASING POLICIES

H.1: Centralized Purchasing System

- H.1.1 Whenever possible, purchases will be made through a competitive bid or proposal process.
- H.1.2 Purchasing policies and procedures will be as fair and open as possible so that everyone involved will understand the elements of the process, including procedures, timelines, expectations, requirements, and criteria for supplier selection.
- H.1.3 A preference of 1% shall be given to local businesses in the evaluation of bids and proposals in the procurement of goods. Contracts exempt from this preference are:
- Emergency procurement
 - Sole source contracts
 - Contracts funded from grants, donations, or gifts with special conditions that specify otherwise
- H.1.4 Purchases of goods and services will be made from locally owned businesses whenever possible, in accordance with purchasing regulations.

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- H.1.5 The City will actively seek opportunities to participate with other public agencies in the development of competitive bids that combine purchasing power to achieve volume pricing.
- H.1.6 City staff shall not use their position for personal gain in any procurement.
- H.1.7 Environmentally responsible procurement policies will be used where possible, to encourage recycling, reduce waste, conserve energy and natural resources and protect environmental quality.
- H.1.8 Technological advances that present more efficient and effective ways to purchase goods and services will be encouraged.
- H.1.9 An efficient and effective system of inventory management for City-stocked items and for sale or disposal or surplus items will be maintained.

7.1I ENTERPRISE FUND POLICIES

I.1: Utility Fund Policies

I.1a: Accounting and Fund Management

- I.1a.1 The financial activities of each utility should be accounted for in a separate fund.
- I.1a.2 The City will assure that all direct and indirect costs of each utility are fully cost-accounted.
- I.1a.3 Expenses which are incurred to support more than one utility should be allocated to each utility in a manner that reasonably reflects the benefit received.
- I.1a.4 Each utility fund shall reimburse the General Fund, and/or other applicable funds, for the full cost of general government support services provided to that utility.
- I.1a.5 The user fees established for each utility will be reviewed annually and set at a level that will support the total costs of the utility, including direct and indirect costs and contributions to reserves set by Council policy.
- I.1a.6 In the event that any utility requires one-time resources from other City funds to support its operations, or that the utility provides resources to an unrelated program, the use of these funds should be accounted for as an inter-fund loan.
- I.1a.7 Debt service coverage should be maintained for each bond issue as required by the bond covenants.
- I.1a.8 No utility resources shall be used to fund unrelated General Fund services.

I.1b: Capital Program

- I.1b.1 Capital improvements associated with the existing infrastructure of a utility should be primarily funded from two sources: rate revenue and debt financing.

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- I.1b.2 New improvements or expanded capacity in any utility should be funded by those benefiting through specific charges, such as connection fees, impact fees, or mitigation fees.
- I.1b.3 Local, state, and federal funding sources, such as grants and contributions, should be pursued for utility-related capital improvement projects consistent with City priorities.
- I.1b.4 Water and wastewater improvements should be designed and constructed to the size required to serve the City's capacity needs when fully developed plus any required redundancy to assure reliable operation and provision of service.
- I.1b.5 Bonded debt financing should be used for capital improvements as appropriate to:
- Make cost recovery of an asset more consistent with its useful life
 - Equitably assign cost over multiple generations of customers who use the assets
 - Smooth near-term rate impacts of the project
- I.1b.6 Total bonded debt should equal no more than 30% of the utility's fixed assets.
- I.1b.7 Resources for the capital requirements of each utility such as bond proceeds or connection fees should be dedicated only for capital projects and not be used for ongoing maintenance and operations.
- I.1b.8 The annual depreciation expense of the assets of each utility should be set aside into a Rehabilitation and Replacement Reserve as a minimum funding level for system replacement.

I.1c: Reserves

- I.1c.1 A Contingency Reserve of 25% of operating expenses shall be maintained in the Water and Wastewater Funds to allow approximately 90 days of working capital in case of emergency.
- I.1c.2 A Contingency Reserve of 10% of operating expenses shall be maintained in the Solid Waste Fund. This lower reserve is appropriate because the asset value of the Solid Waste Fund is substantially smaller than the other city utilities, and because operations are performed by contract, with insurance and bonding requirements as part of the contract assuring the continued operation in the case of an emergency.
- I.1c.3 In the event that the Contingency Reserve of any utility fund is used it shall be replenished by the end of the following fiscal year or as soon as practical thereafter considering the circumstances that prompted the need to use the reserve.
- I.1c.4 A Capital Replacement Reserve shall be maintained in the SMaRT Station Replacement Fund to account for contributions from the three participating cities for the replacement of City-owned SMaRT Station equipment.
- I.1c.5 A Rate Stabilization Fund shall be maintained in each utility fund to levelize the rates and annual rate increases in light of fluctuations in financial requirements from year-to-year.

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- I.1c.6 A Capital Rehabilitation and Replacement Reserve for each utility should be established to provide resources for the infrastructure replacement needs of the respective utility system. This reserve should act as a sinking fund for annual depreciation expense of the utility assets.
- I.1c.7 Debt service reserves should be maintained for each bond issue as required by the bond covenants.

I.2: Golf and Tennis Operations Fund Policies

I.2b: User Fees

- I.2b.1 Golf fees shall be set annually utilizing market-based comparisons and included in the City's Annual Fee Schedule adopted by Council resolution.

I.2c: Reserves

- I.2c.1 The Golf and Tennis Operations Fund shall maintain a Twenty-Year Resource Allocation Plan Reserve to stabilize economic cycles and maintain service levels over the long term.
- I.2c.2 Any fund balance remaining in the Golf and Tennis Operations Fund shall remain in the Fund for use in subsequent years.
- I.2c.3 The General Fund will maintain a Co-op Sports Reserve to administer the after school intra-mural sports league programs at Sunnyvale Middle School and Columbia Middle School as required by agreement with the Sunnyvale School District.

(Adopted by Resolution 119-88; RTC 88-114 (3/15/88); Amended: RTC 06-353 (11/28/06); Amended: RTC 11-167 (8/9/11); Amended: RTC 12-196 (8/28/12); Amended: RTC 14-0205 (4/29/14); Amended: RTC 17-0245 (4/11/17); Amended: RTC 19-0293 (3/19/19); Amended: RTC 22-0668 (8/9/22))

Policy 7.1.2 Investment and Cash Management

POLICY PURPOSE:

The City establishes investment policies that meet its current investment goals. This policy is intended to establish objectives and criteria for the investment of the City's temporarily idle funds and for the City's Redevelopment Successor Agency and to provide guidelines for the City's cash management system.

This policy is set forth by the City of Sunnyvale (City) for the following purposes:

1. To establish a clear understanding for the City Council, City management, responsible employees, citizens and third parties of the objectives, policies and guidelines for the investment of the City's temporarily idle funds;
2. To offer guidance to investment staff on the investment of City funds; and
3. To establish a basis for evaluating investment results.

POLICY STATEMENT:

Objectives

The City's cash management system shall be designed to accurately monitor and forecast expenditures and revenues, to enable the City to invest funds to the fullest extent possible.

Idle funds of the City shall be invested in accordance with principles of sound treasury management and in accordance with the provisions of California Government Code Section 53600 et seq., the City Charter, the City's Municipal Code and this policy.

The objectives of the City's investment program are, in order of priority:

1. Safety – Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.
3. Return on Investment – The City's investment portfolio shall be designed with the objective of attaining the safety and liquidity objectives first, and then attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

Standard of Care – Prudent Investor

The governing body of the City and any staff members authorized to make investment decisions on behalf of the City are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

The Director of Finance or his/her designee is authorized to manage the investment portfolio and act within the intent and scope of the investment policy and other written procedures and exercise due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

Ethics and Conflicts of Interest

Officers and employees involved with the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. The Director of Finance or his/her designee and other designated employees are required to file applicable financial disclosures, as required by the Fair Political Practices Commission.

OPERATIONAL AND PROCEDURAL MATTERS:

Scope

This Investment Policy applies to all funds and investment activities of the City with the following exceptions:

1. The City's Deferred Compensation Plan is excluded because it is managed by a third party administrator and invested by individual plan participants;
2. The City's retirement funds, including any funds invested in a Section 115 Pension Rate Mitigation Trust. These funds are invested pursuant to California code and the Trust's separate long-term investment policy as approved by Council under the Trust Agreement.

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3. Proceeds of debt issuance shall be invested in accordance with the general investment philosophy of the City; however, such proceeds are invested in accordance with permitted investment provisions of their specific bond indentures.
4. Funds for the Other Post Employment Benefits (OPEB) Trust; shall be invested in accordance with the general investment philosophy of the City; however, these funds are invested pursuant to California code and the Trust's separate long-term investment policy as approved by Council under the Trust Agreement.

Authorized Financial Dealers and Institutions

1. The Director of Finance or his/her designee shall maintain a list of institutions qualified and authorized to transact investment business with the City. Eligible institutions include:
 - A. Primary government dealers as designated by the Federal Reserve Bank ;
 - B. Regional broker/dealers;
 - C. Nationally or state-chartered banks;
 - D. The Federal Reserve Bank; and
 - E. Direct issuers of securities eligible for purchase by the City.
2. Public deposits shall be made only in qualified public depositories within the State of California as established by State law, or as permitted by Section III.A (4-7). Deposits shall be insured by the Federal Deposit Insurance Corporation, or, to the extent the amount exceeds the insured maximum, shall be collateralized with securities in accordance with state law.
3. A sufficient pool of qualified financial institutions and dealers will be maintained using criteria based on credit worthiness, experience, reference checks, and qualifications under the Securities and Exchange Commission. Unless working with a registered investment adviser, the City will issue a Request for Qualifications once every three years for these services. All broker/dealers who desire to become qualified must be registered with Financial Industry Regulatory Authority (FINRA) and supply the following as appropriate:
 - A. Audited financial statements
 - B. Completed broker/dealer questionnaire
 - C. Certification of having reviewed the City's Investment Policy.
4. It is the policy of the City to require competitive bidding for investment transactions. Whenever possible, at least three authorized financial dealers or institutions will be contacted to provide price quotations on security purchases and sales.
5. Selection of financial institutions and broker/dealers used by the City shall be at the sole discretion of the City, except where the City utilizes an external investment

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adviser in which case the City may rely on the adviser for selection. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the adviser. The adviser shall make available its list of approved broker/dealers to City staff upon request.

Delivery vs. Payment

All investment transactions of the City shall be conducted using standard delivery vs. payment procedures.

Safekeeping of Securities

To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments, and maturity proceeds, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement executed by the bank and by the City.

The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools; (ii) time certificates of deposit, and, (iii) money mutual funds, since the purchased securities are not deliverable.

PERMITTED INVESTMENTS AND GUIDELINES TO ACHIEVE POLICY OBJECTIVES:

Authorized Investments

All investments shall be made in accordance with Sections 53600 *et seq.* of the Government Code of California and as described within this Investment Policy. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and minimum credit quality requirements listed in this section apply at the time the security is purchased. Maturity is measured from the date of trade settlement.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

Permitted investments under this policy shall include:

1. **Securities issued by the US Treasury**, provided that:
 - A. There shall be no maximum allowable investment in US Treasury securities; and
 - B. As required by Section 53601 of the California Government Code, the City Council hereby grants express authority to the Director of Finance or his/her

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designee to invest in U.S. Treasury securities with final stated maturities up to seven years.

2. **Securities Issued and fully guaranteed as to payment by a federal agency or issued by a United States Government Sponsored Enterprise**, provided that:

- A. No more than 30% of the total portfolio may be invested in federal agencies or government sponsored enterprises of any single issuer; and
- B. As required by Section 53601 of the California Government Code, the City Council hereby grants express authority to the Director of Finance or his/her designee to invest in U. S. Agency securities with final stated maturities up to seven years.
- C. The maximum percent of agency callable securities in the portfolio will be 20%

3. **Banker's acceptances**, provided that:

- A. No more than 40% of the total portfolio may be invested in banker's acceptances;
- B. No more than 5% of the total portfolio may be invested per issuer;
- C. Their maturity does not exceed 180 days; and
- D. They are issued by institutions with short term debt obligations rated a minimum of P-1 by Moody's or A-1 by Standard and Poor's, or the equivalent by a nationally recognized statistical-rating organization (NRSRO).

4. **Federally Insured Bank Deposits** (Non-negotiable certificates of deposit) in state or federally chartered banks, savings and loans, or credit unions in the state of California, provided that:

- A. No more than 20% of the total portfolio may be invested in a combination of federally insured and collateralized time deposits;
- B. The amount per institution is limited to the maximum covered under federal insurance; and
- C. Their maturity does not exceed five years.

5. **Collateralized Bank Deposits** (Non-negotiable certificates of deposit) in California banks in excess of insured amounts which are fully collateralized with securities in accordance with California law, provided that:

- A. No more than 20% of the portfolio shall be invested in a combination of federally insured and collateralized time deposits;
- B. No more than 5% may be invested per issuer; and
- C. The maturity of such deposits does not exceed 365 days.

6. **Negotiable Certificates of Deposit (NCDs)** issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), or by a federally or state-licensed branch of a foreign bank, provided that:
 - A. No more than 30% of the total portfolio may be invested in investments made in accordance with this section plus deposits made under section III (7) of this policy;
 - B. No more than 5% of the total portfolio may be invested per issuer;
 - C. The maturity does not exceed 5 years;
 - D. The amount of the NCD insured up to the FDIC limit does not require any credit ratings.
 - D. Any amount above the FDIC insured limit must be issued by institutions which have long-term obligations which are rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization; or have short-term debt obligations rated "A-1" or the equivalent or higher, by a nationally recognized statistical rating organization.

7. **Certificates of Deposit Placement Service** (e.g. CDARS or like services) using private sector entity to assist in the placement of deposits above federal insurance amounts in increments less than federal insurance at participating banks, savings and loans, or credit unions nationally through a "selected depository institution" in California, provided that:
 - A. No more than 30% of the City's total portfolio may be invested in such deposits plus negotiable certificates of deposit purchased pursuant to Section III (6) of this policy;
 - B. The full amount of the principal and the interest that may be accrued during the maximum term of each certificate shall at all times be insured by the FDIC or the NCUA;
 - C. The selected depository institution shall be a nationally or state-chartered bank, savings and loan, or credit union in California and shall serve as the custodian for each certificate of deposit issued by the placement service for the City's account;
 - D. At the same time the City's funds are deposited and the certificates of deposit are issued, the selected depository institution shall receive an amount of deposits from other commercial banks, savings banks, savings and loan associations or credit unions that, in total, are equal to or greater than the full amount of the principal that the City initially deposited with the selected depository institution;
 - E. No credit union may act as a selected depository institution unless:
 - I) The credit union offers federal depository insurance through the NCUA; and
 - II) The credit union is authorized by the NCUA in the deposit placement services, and affirms that moneys held by those credit

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unions while participating in a deposit placement service will at all times be insured by a federal government entity.

- F. The maximum maturity does not exceed five (5) years.
8. **Repurchase agreements** collateralized with securities authorized under Sections III (A1-2) of this policy maintained at a level of at least 102% of the market value of the repurchase agreements, provided that:
- A. No more than 10% of the portfolio shall be invested in repurchase agreements;
 - B. The maximum maturity of repurchase agreements shall be 15 days;
 - C. Securities used as collateral for repurchase agreements shall be delivered to the City's custodian bank, except that securities used as collateral for the one to seven day repurchase agreements with the City's depository bank may be held in safekeeping by an independent third party bank trustee in the name of the City, as evidenced by appropriate receipts of trust; and
 - D. The repurchase agreements are the subject of a master repurchase agreement between the City and the provider of the repurchase agreement. The master repurchase agreement shall be substantially in the form developed by the Securities Industry and Financial Markets Association (SIFMA).
9. **Commercial paper**, provided that:
- A. No more than 25% of the total portfolio may be invested in commercial paper. Under a provision sunseting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the Agency's investment assets under management are greater than \$100,000,000;
 - B. No more than 5% of the total portfolio may be invested per issuer.
 - C. The City may purchase no more than 10% of the outstanding commercial paper of any single issuer.
 - D. The maturity does not exceed 270 days from the date of purchase;
 - E. The paper is of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):
 - I) Is organized and operating in the United States as a general corporation. Has total assets in excess of five hundred million dollars (\$500,000,000). Has debt other than commercial paper, if any, that is rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical-rating organization (NRSRO).

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- II) Is organized within the United States as a special purpose corporation, trust, or limited liability company. Has program wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or surety bond. Has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization (NRSRO).

10. **State of California Local Agency Investment Fund (LAIF)**, provided that:

- A. The Agency may invest up to the maximum amount permitted by LAIF.
- B. It is recognized that LAIF has authority to invest in some instruments that are not permitted for Cities under the California Government Code; and
- C. A thorough investigation of the pool/fund is required prior to investing and on a continual basis. City staff will annually perform due diligence analysis of LAIF based on a standardized questionnaire developed to address investment policy and practices.

11. **Corporate medium-term notes**, provided that:

- A. No more than 30% of the total portfolio may be invested in medium-term notes;
- B. No more than 5% of the total portfolio may be invested per issuer.
- C. Such notes have a maximum maturity of 5 years;
- D. Such notes are issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States; and
- E. Such notes are rated in the rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization.

12. **Asset-backed securities, Mortgage-backed, Mortgage pass-through securities, and collateralized mortgage obligations not defined in paragraphs 1 and 2 of the Authorized Investments Section of this policy**, provided that:

- A. No more than 20% of the total portfolio may be invested in Mortgage pass-through, mortgage-backed, collateralized mortgage obligations securities and asset-backed securities;
- B. No more than 5% of the portfolio may be invested in any single Asset-Backed or Commercial Mortgage security issuer.
- C. Such securities shall have a maximum legal final maturity of 5 years;
- E. Such securities are rated in the rating category of "AA" or its equivalent or higher by a nationally recognized statistical rating organization.

13. **Money market mutual funds**, provided that:

- A. No more than 20% of the total portfolio may be invested in Money market mutual funds.

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- B. Such funds are registered with the Securities and Exchange Commission and have attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations;
 - C. Such funds have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code Section 53601 (a through j) and with assets under management in excess of \$500 million;
 - D. Such funds include in their prospectus the statement that one of the investment fund's investment objectives is to seek to maintain a net asset value of \$1; and
 - E. Such funds invest only in US Treasury and federal agency securities, and in repurchase agreements backed by US Treasury and federal agency securities.
14. **Municipal Securities.** These include obligations of the state of California, the treasuries or agencies of any other 49 states in addition to California, and any local Agency within the state of California including the City of Sunnyvale to the extent permitted by federal law, provided that:
- A. No more than 30% of the portfolio may be in Municipal Securities.
 - B. No more than 5% of the portfolio may be invested in any single issuer.
 - C. The maturity does not exceed 5 years from the date of purchase;
 - D. The rating by a nationally recognized statistical rating organization is in the "A" category or its equivalent or better; and
 - E. For Municipal Obligations in the form of variable rate demand obligations, the obligations shall be supported by a third-party liquidity facility from a financial institution with short-term ratings of at least A-1 by S&P or P-1 by Moody's. The right of the bondholder to tender the obligation converts these obligations to a short term investment.
15. **Local Government Investment Pools (LGIP),** provided that:
- A. The LGIP is organized pursuant to CGC Section 6509.7;
 - B. The Pool invests only in securities and obligations authorized in CGC Section 53601;
 - C. The Pool is managed by an investment adviser registered with the SEC or exempt from registration; and
 - D. Such adviser has not less than five years of experience investing in securities and obligations authorized in CGC Section 53601 and has assets under management in excess of five hundred million dollars (\$500,000,000).
16. **Supranational Securities.** CGC 53601 defines allowable Supranational Securities as United States dollar denominated senior unsecured unsubordinated obligations

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issued or unconditionally guaranteed by: the International Bank for Reconstruction and Development, the International Finance Corporation, or Inter-American Development Bank, provided that:

- A. No more than 30% of the total portfolio may be invested in Supranational securities;
- B. No more than 10% of the portfolio may be invested in any single issuer.
- C. The maturity does not exceed 5 years from the date of purchase.
- D. The instruments are eligible for purchase and resale within the United States; and
- E. The rating by a nationally recognized statistical rating organization is in the "AA" category or its equivalent or better.

Prohibited Investment Vehicles and Practices

1. State law notwithstanding, any investments not specifically described herein are prohibited, including, but not limited to, mutual funds (other than government money market funds as described in this policy, unregulated and/or unrated investment pools or trusts, and futures and options.
2. In accordance with Government Code Section 53601.6, investment in inverse floaters, range notes, or mortgage derived interest-only strips is prohibited.
3. Investment in any security that could result in a zero interest accrual if held to maturity is prohibited. Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero- or negative-interest accrual if held to maturity are permitted.
4. Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited.
5. Purchasing or selling securities on margin is prohibited.
6. Agencies that are not Qualified Institutional Buyers (QIB) as defined by the Securities and Exchange Commission are prohibited from purchasing Private Placement Securities. The SEC defines a QIB as having at least \$100,000,000 in securities owned and invested.

Investment Pools/Mutual Funds

The City shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The Treasurer shall develop a questionnaire which will answer the following general questions:

1. A description of eligible investment securities, and a written statement of investment policy and objectives.

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2. A description of interest calculations and how it is distributed, and how gains and losses are treated.
3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
4. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
5. A schedule for receiving statements and portfolio listings.
6. Are reserves, retained earnings, etc. utilized by the pool/fund?
7. A fee schedule, and when and how is it assessed.
8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

Social and Environmental Responsibility

The City has a desire to encourage investments that support sound environmental, social and governance (ESG) investing. While the portfolio may not be classified as an ESG portfolio, investments in entities that support community well-being through safe and environmentally sound practices and fair labor practices and equality of rights regardless of sex, race, age, disability, or sexual orientation is encouraged. Investments are discouraged in entities that manufacture tobacco products, or firearms or nuclear weapons not used in the national defense of the United States, and are direct or indirect investments to support the production or drilling of fossil fuels.

Risk/Safety

The City recognizes that it is subject to the risks of investing in fixed income securities, especially “market risk” and “call risk” which are risks that the value of the portfolio will fluctuate with changes in the general level of interest rates, and “credit risk,” which is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt.

1. Mitigating market risk in the portfolio

The City recognizes that, over time, longer-term portfolios achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City shall mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer term investments with funds which are not needed for current cashflow purposes. The City further recognizes that certain types of securities, including variable rate securities, securities with principal paydowns prior to maturity, and securities with embedded options (callable securities), will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

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- A. The City shall maintain a percentage of the portfolio in short term securities to provide for cash flows.
 - B. The maximum stated final maturity of individual securities in the portfolio will be five (5) years, except as otherwise stated in this policy.
 - C. The duration of the portfolio will generally be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark, an index selected by the City based on the City's investment objectives, constraints and risk tolerances.
2. Mitigating credit risk in the portfolio
- A. The diversification requirements included in the Authorized Investments section are designed to mitigate credit risk in the portfolio.
 - B. No more than 5% of the total portfolio may be invested in securities of any single issuer unless otherwise specified.
 - C. The City may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or the City's risk preferences; and
 - D. If a security owned by the City is downgraded to a level below the minimum quality required by this Investment Policy, it will be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio. If the City employs the services of an investment advisor, it is the duty of the advisor to communicate any actions related to the downgrade to the Treasurer in a timely manner. *If a security is downgraded, the Treasurer will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.

*If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported quarterly to the City Council.

Liquidity

1. A schedule of major revenues and expenditures for a rolling 12-month period shall be maintained and coordinated with investments to the extent feasible.
2. Investment maturities may be timed to provide funds for scheduled expenditures not met by anticipated major revenue receipts.
3. To the extent possible, the Twenty Year Resource Allocation Plan shall be used for the cash flow projection purposes and shall be taken into account in determining long term investment strategy.

Return Objectives

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1. **Overall objective.** The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments.
2. **Specific objective.** The Treasurer shall monitor and evaluate the portfolio's performance relative to the chosen market benchmark(s), which will be included in the Treasurer's quarterly report. The Treasurer shall select an appropriate, readily available index to use as a market

RESPONSIBILITY AND REPORTING:

Delegation of Authority

The City Manager is responsible for directing and supervising the Director of Finance and is also responsible to keep the City Council fully advised as to the financial condition of the City.

The Director of Finance is responsible, by Council delegation, for the custody and investment of City funds and the development of procedures to implement this Investment Policy. This delegation requires that the Director of Finance submit a monthly transaction report to the Council accounting for the investment of funds. The Director of Finance is further responsible for the duties and powers imposed on City Treasurers by the laws of the State of California.

The Director of Finance or his/her designee is responsible for monitoring investment market information, recommending investment strategy for portfolio diversity and timing of maturities, as well as ensuring compliance with the City's Investment Policy. The Investment staff shall maintain current knowledge of technical and legal requirements regarding municipal investments through continued education and maintain active membership in the California Municipal Treasurers Association (CMTA).

The City may employ an investment adviser to invest all or a portion of the City's cash. Such Adviser shall be granted discretion to invest and reinvest the portfolio in accordance with this Investment Policy and must be registered under the Investment Advisers Act of 1940. Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the investment adviser.

Reporting, Disclosure and Program Evaluation

The Director of Finance, as Chief Financial Officer and City Treasurer, shall file a quarterly investment report with the City Council and the City Manager within 45 days following the end of the quarter covered by the report. The report shall include the following information:

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1. An asset listing showing par value, cost and accurate and complete market value of each security, type of investment, issuer, and interest rate;
2. The Director of Finance shall provide a monthly transaction report to the City Council;
3. A statement of compliance with the Investment Policy; and
4. A statement that the City has adequate funds to meet its cash flow requirements for the next six months.

Annual Reports

1. The investment policy shall be reviewed and adopted at least annually within 120 days of the end of the fiscal year to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.
2. A report of portfolio performance for the immediately preceding fiscal year shall be presented as part of the annual investment policy review. This report shall include comparisons of the City's performance compared to the return objectives and shall include a section on compliance with the investment policy.

INTERNAL CONTROL:

The Director of Finance has established a system of internal controls to ensure compliance with the Investment Policies of the City and the California Government Code. The internal control procedures include segregation of duties in the different phases of an investment transaction, monthly reconciliation of the investment report to the general ledger, and annual policy compliance review by the City's outside auditor. An independent audit is conducted by the City's outside auditors which includes a compliance review of the City's investment activities to the City's Investment Policy, the California Government Code, and Government Accounting Standards Board (GASB) requirements regarding investment disclosures.

The Finance staff has established written investment procedures. These procedures include the process for projecting future cash flows, obtaining and documenting quotes, the review process for purchasing a new investment, how to select a broker when multiple brokers offer the same investment at the same price and other procedures relating to investments. These procedures are reviewed annually.

OVERSIGHT

The Investment Committee consisting of the City Manager, the Assistant City Manager, and the Director of Finance with staff support, will meet at least annually to evaluate the portfolio performance and establish current investment strategies and allocations in accordance with the adopted Policy and its objectives.

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(Adopted: RTC 85-388 (7/30/1985); Amended: RTC 86-387 (7/22/1986), 87-421 (8/11/1987), 88-379 (07-26/88), [No RTC] (7/18/1989), 90-342 (7/17/1990), 91-303 (7/23/1991), 92-370 (7/28/1992), 93-363 (7/27/1993), 94-410 (8/9/1994), 95-301 (7/25/1995), 96-300 (7/23/1996), 97-338 (7/29/1997), 98-273 (8/4/1998), 99-383 (8/17/1999), 00-320 (9/12/2000), 01-272 (7/31/2001), 02-296 (7/23/2002), 03-277 (8/12/2003), 04-290 (8/17/2004), 05-242 (8/16/05), (Clerical/clarity update, Policy Update Project 11/2005), 06-262 (8/22/06), 07-286 (8/21/2007), 08-256 (8/26/2008), 08-307 (10/14/2008) 09-213 (8/11/2009), 10-225 (8/31/2010), 11-176 (8/23/2011), 12-211 (9/11/2012), 13-252 (10/22/2013), 14-0804 (10/28/2014), 15-0864 (10/13/2015), 16-0693 (10/25/2016), 17-0775 (10/3/2017), 18-0609 (8/14/2018), 19-0971 (11/5/2019), 20-797 (10/13/2020), 21-0901 (10/26/2021), 22-0816 (9/27/2022), 3-0186 (10/10/2023).

Lead Department: Department of Finance

GLOSSARY OF INVESTMENT TERMS

Agencies. Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called “FreddieMac” issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as “FannieMae,” issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as “GinnieMae,” issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

Asked. The price at which a seller offers to sell a security.

Average Life. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

Banker’s Acceptance. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which “accepts” the obligation to pay the investor.

Benchmark. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

Bid. The price at which a buyer offers to buy a security.

Broker. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

Callable. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest rates are lower than when the investment was initially made.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

Collateral. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

Collateralized Mortgage Obligations (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

Commercial Paper. The short-term unsecured debt of corporations.

Cost Yield. The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

Coupon. The rate of return at which interest is paid on a bond.

Credit Risk. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

Current Yield. The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

Dealer. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

Debenture. A bond secured only by the general credit of the issuer.

Delivery vs. Payment (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

Derivative. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

Discount. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as **discount securities**. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

Diversification. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

Duration. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See modified duration).

Federal Funds Rate. The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

Federal Open Market Committee. A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

Haircut. The margin or difference between the actual market value of a security and the value assessed by the lending side of a transaction (i.e. a repo).

Leverage. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

Liquidity. The speed and ease with which an asset can be converted to cash.

Make Whole Call. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

Margin. The difference between the market value of a security and the loan a broker makes using that security as collateral.

Market Risk. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

Market Value. The price at which a security can be traded.

Marking to Market. The process of posting current market values for securities in a portfolio.

Maturity. The final date upon which the principal of a security becomes due and payable.

Medium Term Notes. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified Duration. The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

Money Market. The market in which short-term debt instruments (Tbills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

Mortgage Pass-Through Securities. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

Mutual Fund. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

Premium. The difference between the par value of a bond and the cost of the bond, when the cost is above par.

Prepayment Speed. A measure of how quickly principal is repaid to investors in mortgage securities.

Prepayment Window. The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

Primary Dealer. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

Prudent Person (Prudent Investor) Rule. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care,

skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiarity with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes.”

Realized Yield. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

Regional Dealer. A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer.

Repurchase Agreement (RP, Repo). Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller’s point of view, the same transaction is a reverse repurchase agreement.

Safekeeping. A service to bank customers whereby securities are held by the bank in the customer’s name.

Structured Note. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Supranational Debt. Supranational debt is the term for debt (unsecured unsubordinated obligations issued or unconditionally guaranteed) of an international or multi-lateral financial agency. Supranationals are well capitalized and in most cases have strong credit support from contingent capital calls from their member countries. CGC 53601 was amended effective January 1, 2015 to allow local agencies to invest in the senior debt obligations of three supranational issuers which are eligible for purchase and resale within the United States, specifically the International Bank for Reconstruction and Development, International Finance Corporation, and Inter-American Development Bank.

Total Rate of Return. A measure of a portfolio’s performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. Treasury Obligations. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury Bills. All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month Tbills at regular weekly auctions. It also issues “cash management” bills as needed to smooth out cash flows.

Treasury Notes. All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

Treasury Bonds. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

Volatility. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

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Yield to Maturity. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

Policy 7.1.3 Environmental Procurement

POLICY PURPOSE:

The City of Sunnyvale finds that the preservation of natural resources, reduction of energy use and pollution, reduction of solid waste, and minimization of impact on the environment from City activities benefits all occupants of the City. It is the purpose of this policy to:

1. Help the City meet its current needs without compromising the ability of future generations to do the same.
2. Identify a simple, concise, environmentally sound, and cost-effective approach to environmental purchasing that all departments and divisions can easily implement.
3. Provide for the achievement of Action Statements 3.2B.2d and 3.2B.4a of the Solid Waste Sub-element which state, "Increase demand for recycled materials by advocating local state and federal legislation that will increase use of recycled content products."
4. Promote individual employee responsibility, provide Environmentally Preferable products and produce an operationally oriented, clearly written policy.

POLICY STATEMENT:

It is the policy of the City of Sunnyvale, its employees and contractors, that when developing plans, drawings, work statements, and specifications, and in the evaluation of bids or proposals for the award of all contracts, for informal, formal, central, and decentralized purchases (including credit card, field purchase order, and petty cash purchases) environmentally preferable products and services shall be purchased, as defined by this section. Factors that will be considered when determining the environmentally preferable good or service include, but are not limited to:

- Minimization of virgin material use in product or service life cycle
- Maximization of recycled products used in product or service life cycle
- Environmental cost of entire product or service life cycle
- Reuse of existing products or materials in product or service life cycle
- Recyclability of product
- Toxicity reduction or elimination
- Elimination of uncertified hardwoods in product or service life cycle
- Ultimate disposal of product

All paper products purchased, including but not limited to, janitorial products, copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, envelopes, uncoated printing and writing paper, and specialized printing papers shall contain **no less than 30% postconsumer materials**, by weight, beginning July 1, 1999. The purchase of products that meet the standards above shall be allowed only if:

- The fitness and quality is equal to that of comparable non-environmentally preferable products.
- The product or service will do the job as well or better than the comparable non-environmentally preferable product or service and is compatible with City equipment.

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- The cost of the environmentally preferable product is no more than 10% higher than competing products/services.
- Delivery or availability of the environmentally preferable product or service is comparable to that of the non-environmentally preferable alternative.

The Purchasing Officer shall, in cooperation with the Solid Waste Program Manager, develop administrative guidelines to implement this policy. The Purchasing Officer shall also:

- Ensure that purchasing documents, specifications, and contracting procedures do not discriminate against environmentally preferable goods and services.
- Establish standards for the purchase of environmentally preferable goods and services and raise or lower these standards to meet the objectives of this policy.
- Maintain a reference list of commonly purchased environmentally preferable products or services.
- Provide staff training in the purchase of environmentally preferable products and services.
- Require all businesses to certify in writing the minimum, if not exact, percentage of post-consumer materials in the products, materials, goods, or supplies, being offered.

DEFINITIONS:

1. Environmentally preferable. Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and disposal of the product or service.”
2. Life cycle cost. The amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.
3. Life cycle assessment. The comprehensive examination of a product’s environmental and economic aspects and potential impacts throughout its lifetime, including raw material extraction, transportation, manufacturing, use and disposal.
4. Certified hardwoods. Hardwoods that have been certified by the Forest Stewardship Council as responsibly harvested. This certification process ensures the protection of endangered tropical hardwoods from over harvesting.
5. Postconsumer material. A material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer item. “Postconsumer material” is a part of the broader category of “recovered material.”

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6. Recovered materials. Waste materials and by-products which have been recovered or diverted from solid waste, but this term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.
7. Recyclability. The ability of a product or material to be recovered from, or otherwise diverted from, the solid waste stream for the purpose of recycling.
8. Recycled product. All materials, goods, and supplies, no less than 50 percent of the total weight of which consists of secondary and postconsumer waste with not less than 10 percent of its total weight consisting of postconsumer waste. These minimum percentages of secondary and postconsumer waste may change as industry availability changes.
9. Recycling. The series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products, and includes the use of separated wood waste as fuel for producing heat or electrical power by combustion.
10. Virgin material. Any material occurring in its raw form. Virgin Material is used in the form of raw material in the manufacture of new products.
11. Waste prevention. Any change in the design, manufacturing, purchase or use of materials or products (including packaging) to reduce their volume or toxicity before they become municipal solid waste. Waste prevention also refers to the reuse of products or materials.
12. Waste reduction. Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(Adopted: RTC #99-296 (7/20/1999); Amended: RTC #06-251(8/8/2006); Administrative Update (March 2012))

Lead Department: Department of Environmental Services

Policy 7.1.4 Budget Appropriation and Control

POLICY PURPOSE:

This Policy defines the appropriation control of operating programs and the reappropriation of resources within programs and/or between programs. From time to time, circumstances arise where an unusual demand is placed upon a program budget that was not anticipated in the budget process. In those circumstances, it may not be possible for the program manager to meet the demand for service within the budget appropriated by City Council. It may be necessary to request budget re-appropriations to meet the service demands.

POLICY STATEMENT:

1. The City's budget appropriation control is at the program and department level, within the same fund. Expenditures of the City of Sunnyvale for each fiscal year, appropriations to reserves and inter-fund transfers/loans are governed and controlled according to the amounts adopted by the City Council through a resolution for each of the classifications of the General Fund and Special Revenue Funds.
 - A. For re-appropriations between programs within the same department and fund, where the annual program budget is equal to or greater than \$500,000, Council approval is required for re-appropriations between programs that exceed \$100,000 or 5% of the annual program budget, whichever is greater, up to a maximum of \$250,000 (annual cumulative total).
 - B. For re-appropriations between programs within the same department and fund, where the annual program budget is less than \$500,000, the maximum reappropriation threshold is limited to \$50,000 or 50% of the annual program budget, whichever is less (annual cumulative total).
2. If the expenditures for the Proprietary Funds and Internal Services Funds for the fiscal year exceed actual revenues plus the planned appropriation from the Rate Stabilization Reserve Account or the Resource Allocation Plan Reserve Account, as the case may be, on an annualized basis, Council approval shall be required.
3. The City Manager may authorize reappropriations that are within the thresholds stated in 1 (A), (B), and 2 above, so long as the Council-set services and service levels will be met. A Budget Modification request to Council is required if the re-appropriation results in changes in the services and/or service levels delivered.

This Policy became effective starting July 1, 2003.

(Adopted: RTC 03-198 (6/3/03))

Lead Department: Finance

Policy 7.1.5 Grants, Donations, Contributions and Sponsorships

POLICY PURPOSE:

Allow the solicitation of donations, contributions and sponsorships, as well as the submittal of applications for grant monies, to support City programs, events and services.

POLICY STATEMENT:

1. The city manager may accept or reject donations, contributions and sponsorships, both solicited and unsolicited, of money, equipment and in-kind contributions to City Departments or the City in general up to \$100,000, so long as they do not require a local match or obligate the City to ongoing expenses not already planned in the City's Resource Allocation Plan. Donated funds will be expended for the specific purpose as agreed upon with the donor or for general purposes, as one-time supplements to the department's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs, maintenance costs and replacement costs. The donor must be informed in writing if the equipment is not to be replaced.
2. The city manager may apply for grants of any dollar amount, but shall notify the Council when grants are being pursued pursuant to Council Policy 7.1.1 (Fiscal – Long Range Goals and Financial Policies), B.4. (Grants and Intergovernmental Assistance). The city manager may accept and appropriate grant funds up to \$100,000 that do not require a local match or obligate the City to any ongoing expenses, through an administrative budget modification. Any grants of \$100,000 or more, or that require a local match or obligate the City to ongoing expenses, shall require Council approval of a budget modification before funds can be expended by staff. The budget modification shall include the use to which the grant will be placed; the objectives or goals of the City that will be achieved through use of the grant; the local match required, if any, plus the source of the local match; any increased cost to be locally funded upon termination of the grant; and the ability of the City to administer the grant.
3. For donations, contributions or sponsorships with values of \$100,000 or more, as estimated by the donor, a Report to Council will be written outlining its purpose and the advantages and disadvantages prior to acceptance. Authority to accept any such donation, contribution or sponsorship shall rest with the City Council. For monetary donations, it will be stated in the Report to Council if the gift is a one-time contribution for a specific purpose or a contribution where the principal could be invested and the interest used to support all or part of a special project or program for a number of years.
4. The City cannot guarantee the tax deductibility of a donation, but may provide the donating party with a letter of acknowledgement and a statement of the City's

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intended use. The City cannot validate the donor's estimate of the fair market value of a non-cash donation.

5. The City will not apply for grants, undertake sponsorships or accept contributions that:
 - A. Require the City's written or spoken endorsement of commercial products, services, companies or individuals;
 - B. Limit the City's ability to carry out its functions fully and impartially;
 - C. Result in additional ongoing operating costs for which a funding source has not been identified and approved by Council;
 - D. Restrict access to the City's event by the widest audience possible;
 - E. Personally benefit individual City employees;
 - F. Result in conflicts of interest;
 - G. Expect City staff or policy makers to return the favor through action on a City program or policy (recognition appropriate to the level of contribution would not be considered as "returning the favor");
 - H. Result in repeated solicitations from the same donor;
 - I. Give a sponsor influence over the City and/or access to restricted information;
 - J. Involve an association with gambling, tobacco, or pornography; or
 - K. Imply City endorsement of political or religious views, or of contentious community issues.

Adopted: RTC #07-224 (July 24, 2007), Amended RTC #09-066 (March 10, 2009), Amended RTC #10-297 (November 9, 2010), Amended by Council Action (November 9, 2010; Amended RTC #14-1098 (March 24, 2015))

Lead Department: Finance

Policy 7.1.6 Customer Credit Security Program

POLICY PURPOSE:

The purpose of this policy is to comply with 16 CFR 681.2 (Fair & Accurate Credit Transaction Act of 2003) in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft for customers of the City of Sunnyvale. This policy applies to City employees, contractors, consultants, temporary workers and all personnel affiliated with third parties that perform work for the City.

POLICY STATEMENT:

1. Definitions

A. City

City means City of Sunnyvale.

B. Covered Account

(I.) An account that the City of Sunnyvale maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a utility account or a housing loan.

(II.) Any other account that the City or a third party offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.

C. Credit

The right granted by the City to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

D. Creditor

Any entity that regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and mortgage lenders.

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E. Customer

A person that has a covered account with a creditor.

F. Identity Theft

A fraud committed or attempted using identifying information of another person without authority.

G. Person

A natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

H. Personal Identifying Information

Including but not limited to a person's credit card account information, debit card information, bank account information, drivers' license information and social security number.

I. Privacy Officer

That City employee designated by City's City Manager to administer City's Customer Credit Security Program.

J. Red flag

A pattern, practice, or specific activity that indicates the possible existence of identity theft.

K. Service provider

A person or entity that provides a service directly to the city

2. Findings

A. The City is a creditor due to its provision or maintenance of covered accounts for which payment is made in arrears and must develop and implement a written Identity Theft Prevention Program that is designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account.

B. Covered accounts offered to customers for the provision of city services include but are not limited to water, wastewater, garbage collection, home loans, and other accounts for services held by the City.

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- C. The process of opening a new covered account, restoring an existing covered account, making payments on such accounts, and transferring services have been identified as potential processes in which identity theft could occur.
- D. The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts.
- E. The City determines that there is a low risk of identity theft occurring in the following ways:
 - (I.) Use of an applicant of another person's personal identifying information to establish a new covered account.
 - (II.) Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name.
 - (III.) Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts.
 - (IV.) Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account or other method of payment.

3. Process of Establishing a Covered Account

- A. A precondition to opening a covered account for City services, each applicant shall provide personal identifying information as identified by the standard operating procedure of the department administering the covered account.

4. Access to Covered Account Information

- A. Access to customer accounts shall be limited to authorized City personnel.
- B. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Privacy Officer or designee.
- C. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information by someone other than the verified customer shall be immediately forwarded to the Privacy Officer or designee.

5. Sources and Types of Red Flags

All City employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A.** Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
 - (I.) A fraud or active duty alert that is included with a consumer report;
 - (II.) A notice of credit freeze in response to a request for a consumer report;
 - (III.) A notice of address discrepancy provided by a consumer reporting agency;
 - (IV.) Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as recent and significant increase in the volume of inquiries, an unusual number of recently established credit relationships, a material change in the use of credit, especially with respect to recently established credit relationships or an account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

- B.** Suspicious documents. Examples of suspicious documents include:
 - (I.) Documents provided for identification that appear to be altered or forged;
 - (II.) Photograph or physical description on Identification is inconsistent with the appearance of the applicant or customer;
 - (III.) Information on Identification is inconsistent with information provided by the applicant or customer;
 - (IV.) Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
 - (V.) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

- C.** Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

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- (I.) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example the address does not match any address in the consumer report or the Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
 - (II.) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer.
 - (III.) Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
 - (IV.) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 - (V.) The SSN provided is the same as that submitted by other applicants or customers.
 - (VI.) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 - (VII.) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - (VIII.) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 - (IX.) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D.** Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- (I.) Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

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- (II.) An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example, a material change in payment patterns;
 - (III.) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 - (IV.) City is notified that the customer is not receiving paper account statements.
 - (V.) City is notified of unauthorized charges or transactions in connection with a customer's account.
 - (VI.) City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E.** Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

6. Prevention and Mitigation of Identity Theft

- A.** In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Privacy Officer or designee. If, in his/her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Privacy Officer, who may in his/her discretion determine that no further action is necessary. If the Privacy Officer determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate:
- (I.) Contact the customer;
 - (II.) Make changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account. Changes may include but are not limited to changing any account numbers, passwords, security

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codes, or other security devices that permit access to an account; or closing the account;

- (III.) Cease attempts to collect additional charges from the customer and decline to submit the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- (IV.) Notify a debt collector within two business days of the discovery of likely or probable identity theft relating to a customer account that has been provided to such debt collector in the event that a customer's account has been submitted to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- (V.) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- (VI.) Take other appropriate action to prevent or mitigate identity theft.

B. In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Privacy Officer or designee. If, in his/her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Privacy Officer, who may in his/her discretion determine that no further action is necessary. If the Privacy Officer or his/her designee in his/her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate:

- (I.) Request additional identifying information from the applicant;
- (II.) Deny the application for the new account;
- (III.) Notify law enforcement of possible identity theft; or
- (IV.) Take other appropriate action to prevent or mitigate identity theft.

7. Duties Regarding Addressing Discrepancies

- A.** City departments which use credit reports shall develop standard operating procedures designed to enable the department to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the department receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.
- B.** A City employee responsible for confirming that an address is accurate may do so by any of the following means:

 - (I.) Verification of the address with the consumer;
 - (II.) Review of the utility's records;
 - (III.) Verification of the address through third-party sources; or
 - (IV.) Other reasonable means.
- C.** If an accurate address is confirmed, the responsible employee shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

 - (I.) The City establishes a continuing relationship with the consumer; and
 - (II.) The City, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

8. Updating this Program

- A.** The City Manager or designee shall annually review and, as deemed necessary, update this Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of City and its covered accounts from identity theft.

9. Program Administration

- A.** The Privacy Officer is responsible for oversight of this Program and for Program implementation and is responsible for reviewing reports prepared by City staff regarding compliance with red flag requirements and with recommending material changes to the Program, as necessary in the opinion of the City Manager or City Attorney to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any

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recommended material changes to the program shall be submitted to the City Council for consideration and approval.

- B.** The Privacy Officer will request from each department at least annually, a statement of compliance with the red flag requirements. The report will address material matters related to this Program and evaluate issues such as:
 - (I.) The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - (II.) Service provider arrangements;
 - (III.) Significant incidents involving identity theft and management's response; and
 - (IV.) Recommendations for material changes to the Program.
- C.** The Privacy Officer or designee is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of this Program. The Privacy Officer shall exercise their discretion in determining the amount and substance of training necessary.

10. Outside Service Providers

- A.** In the event that City engages a service provider to perform an activity in connection with one or more covered accounts the Privacy Officer shall exercise their discretion in reviewing such arrangements in order to ensure, to the best of their ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

(Adopted: RTC # 09-105 (4/28/09))

Lead Department: Department of Finance

Policy 7.1.7 Budget Proposal Process

POLICY PURPOSE:

One of Council's primary roles is to approve an annual budget. While the city manager submits a proposed budget to Council, Council can propose the addition of one-time or ongoing expenses through a Budget Proposal.

It is the purpose of this policy to identify those aspects of the City's Budget Proposal process for which Council has established required standards. This policy is in no way intended to constrain the actions or options of the City Manager with respect to the number or type of Budget Proposals or supplements that may be included in the context of the recommended budget to Council. Those aspects of the City's Budget Proposal process not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the City Manager.

POLICY STATEMENT:

1. Budget Proposal Sponsorship

A Council sponsored Budget Proposal must receive the support of at least two councilmembers in order for staff to prepare a Budget Proposal paper, and for the issue to be considered at the Council Study Issues/Budget Proposals Workshop.

2. Selection of Budget Proposals

Any Council-proposed budget addition of a one-time or ongoing expenditure is subject to the Budget Proposal process. Exceptions to this approach include emergency issues and urgent budgetary issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council. Exceptions such as this shall be processed as budget modifications in accordance with established Department of Finance practice.

3. Deadlines for Councilmember-Proposed Budget Proposals

- A. New Council-proposed Budget Proposals are due to the City Manager no later than three weeks in advance of the annual Study Issues/Budget Proposals Workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.

4. Drop or Deferral of Proposals

- A. At the Study Issues/Budget Proposals Workshop, Council shall drop, or refer to the subsequent budget workshop each proposed Budget Proposal. Any Proposal that is dropped by a majority vote of Council will not be eligible for consideration during next year's process unless sponsored by a majority of the Council. Any Proposal referred to the budget shall be brought back as a budget supplement for Council's consideration during the subsequent budget workshop, whether or not the City Manager includes the Proposal in his/her recommended budget.

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Lead Department: Finance

(Adopted: RTC 014-0568 (9/30/14); Revised by RTC 21-0985 (10/26/21))

Policy 7.1.8 Fiscal – Debt Management

POLICY PURPOSE:

This Debt Management Policy is to provide clear and comprehensive guidelines for the issuance and financial management of debt issued by the City of Sunnyvale. This policy supports the City’s mission of providing responsive and high quality public services for its citizens and ensures that the City is financially self-sustaining and fiscally strong. This Debt Policy is not to be so restrictive that it interferes with the City’s legitimate efforts to prudently provide public services and facilities.

POLICY STATEMENT:

Generally, the method of financing selected for debt issuance should be based on who will benefit and who should pay for the cost of improvements. Changes in the capital markets and other unforeseen circumstances may require action which may deviate from this Debt Management Policy. In any case that requires exceptions to this Debt Management Policy, the City Council approval will be necessary for implementation. This policy will ensure compliance with all applicable federal and state laws.

1. The policy goals related to the City’s planning goals and objectives:
 - a. The City is committed to long-term financial planning, maintaining appropriate reserve levels and employing prudent practices in governance, management and budget administration. The City intends to issue debt for the purposes stated in this Policy and to implement decisions incorporated in its annual budget.
 - b. The City will protect taxpayers, ratepayers and constituents by utilizing conservative financing methods and techniques to obtain the highest practical credit ratings to minimize borrowing costs and preserve access to credit.
 - c. The City will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.
 - d. When refinancing debt, the City will realize, whenever possible, and subject to any overriding non-financial policy considerations, minimum net present value debt service savings equal to or greater than 3.0% of the refunded principal amount, or to remove burdensome or restrictive bond covenants.
2. The purposes for which the Long-Term Debt proceeds may be used:
 - a. To finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the City (a Project) to provide basic services and/or benefit constituents over multiple years.
 - b. To refinance outstanding debt to produce debt service savings or to realize the

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- benefits of a debt restructuring (such as changes to the term or amendments to any prohibitive covenants).
3. The City may use long-term debt financing subject to the following conditions:
 - a. The project to be financed must be approved by the City Council.
 - b. The City determines that the issuance of the debt will comply with the applicable state and federal law.
 - c. Debt service should not affect the City's ability to meet future operating, capital and reserve requirements.
 - d. The maximum term of each debt financing should be no longer than the expected useful life of the asset or improvement financed.
 - e. Debt should be used only to finance improvements that cannot be paid for with current revenues, unless the purpose of the debt is to spread improvement costs over a longer period and ensure that future users become responsible for portions of the cost.
 - f. The City will not use long-term debt for current operations.
 4. The City may use short-term debt financing subject to the following conditions:
 - a. Short-term debt may be issued to provide financing for short-lived capital projects: e.g. the City may undertake lease-purchase financing for equipment.
 - b. Short-term debt, such as bond anticipation notes, grant anticipation notes, commercial paper or a line of credit, may be used to provide interim financing in connection with the implementation of a capital program or to smooth out the City's cash flow requirements.
 5. The types of debt that may be issued:
 - a. New Money Bonds: New Money bonds are bonds issued to finance the cost of capital improvement projects or other large and extraordinary costs as approved by the City Council.
 - b. Refunding Bonds: Refunding of outstanding bond issues shall be considered if the net present value savings is at least 3%, or if it is necessary to remove a burdensome or restrictive bond covenant.
 - c. Revenue Bonds: all City utility-related improvements shall be funded only from revenues of the respective utilities.
 - d. Fixed vs. Variable Rate Debt: Fixed or variable rate financing may be used, depending on the cost benefit and risk assessment for each option.
 - e. Variable Rate Debt Obligation (VRDO): Predetermined intervals (e.g.: daily,

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- weekly, or monthly) are set where the rate can be reset to current market conditions. VRDOs can be redeemed at the City's option. Therefore, VRDOs with a long maturity can be priced as short-term instruments making it potentially a less costly option in a normal upward sloping yield curve environment.
- f. General Obligation (GO) Bonds: For major improvements that are of community-wide benefit and use, such as general municipal facilities and parks. These are funded by ad valorem taxes and require a 2/3 voter approval.
 - g. Certificate of Participation: (COPs) and Lease Revenue Bonds: These are used where backing by the City's general fund is the most cost effective and feasible method, such as in the financing a public facilities. Annual general fund appropriations are made to fund annual lease payments.
 - h. Derivative Products: Because of their complexity, unless otherwise amended, Derivative Products such as Interest Rate Swaps, Inverse Floaters, and other hybrid securities are prohibited.
 - i. Land-Secured Financings: Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, assessment bonds and bonds secured by voter-approved parcel taxes.
 - j. Conduit Financing: The City will consider requests for conduit financing, such as financings for affordable rental housing and qualified 501(c)(3) organizations, on a case-by-case basis, taking into consideration the borrower's credit worthiness, the purpose of the borrowing and its relationship to City priorities, any impact on the City's financial position and administrative impact on City staff.
 - k. The City may find from time to time that other forms of debt would be beneficial to further its public purposes and the City Council may approve such debt without an amendment of this Debt Policy.
6. The relationship of the debt to, and the integration with, the City's capital improvement program or budget, if applicable:
- a. The City is committed to long-term capital planning. The City intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the City's capital budget and the capital improvement plan.
 - b. The City shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the City's public purposes.
 - c. The City shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

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7. Debt Management procedures:

- a. The Director of Finance shall report to the City Council annually at the same time as the City's annual audited financial statements on the actual use of bond proceeds to ensure the use is consistent as intended.
- b. The City will diligently monitor its compliance to any continuing disclosure requirements under applicable Security and Exchange Commission rules (e.g.: SEC Rule 15c2-12), bond covenants, or any other applicable disclosure requirements.
- c. The City will diligently monitor its compliance to federal arbitrage regulations.
- d. Debt service reserves shall be maintained for each debt issue as required by the respective bond covenants. These reserves will be invested as allowed per the bond statements.
- e. Whenever reasonably possible, proceeds of debt will be held by a third-party trustee and the City will submit written requisitions for such proceeds. The City will submit a requisition only after obtaining the signature of the Finance Director. In those cases where it is not reasonably possible for the proceeds of debt to be held by a third-party trustee, the Finance Director shall retain records of all expenditures of proceeds through the final payment date for the debt.

8. General Debt Policy:

- a. Total bonded indebtedness supported by -ad valorem taxes (i.e., general obligation bonds) should not exceed 5% of assessed valuation of property within the City. Bond issues supported by the General Fund should be restricted to annual debt service of 5% of annual General Fund revenue.
- b. The City will utilize inter-fund loans when possible to reduce the cost of financing capital improvements.
- c. Land based financings should maintain a minimum property value-to-debt ratio of 3:1, with exceptions made for special circumstances at Council's discretion.
- d. An internal feasibility analysis will be prepared for each long-term financing which analyzes the impact on current and future budgets.
- e. In general, bond issuances shall be structured with level annual debt service unless circumstances warrant a different approach.
- f. The City may issue both tax-exempt and taxable debt.
- g. The City may issue debt through (i) competitive sale at which its debt will be offered at a fixed date and time and with the opportunity for any financial institution to submit a bid; (ii) negotiated sale at which its debt will be purchased by an investment banking firm or syndicate; or (iii) private placement at which its debt

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will be purchased directly by a commercial bank.

- h. The method of sale will be determined in consultation with the City's independent financial advisor, with the objective of providing the City with the lowest overall cost of financing and the most efficient market access and execution.

9. Delegation of Authority:

Pursuant to the provisions of Sections 37209 and 40805.5 of the Government Code of the State of California, the Finance Director (Director of Finance) shall be the head of the Finance Department and shall be responsible for all the financial affairs of the City. This City Debt Policy grants the Director of Finance the authority to select the financing team, coordinate the administration and issuance of debt, communicate with the rating agencies, as well as to fulfill all the pre-issuance and post-issuance disclosure information requirements. The Director of Finance will be responsible for maintaining relationships with investors, credit analysts, and rating agencies.

10. Debt Capacity:

Article XVI, Section 18 of the California Constitution (the "debt limit") prohibits cities from entering into indebtedness or liability that in any year exceeds the income and revenue provided for such year unless the City first obtains two-thirds voter approval for the obligation. In the development of this Debt Policy, the goal is to serve as a framework within which the City can evaluate each potential debt issuance.

Adopted: RTC 17-0245 (4/11/2017)

Glossary of Debt Management Terms

Arbitrage: In the case of municipal financing is the prohibited use of lower rate, tax free, bond funding to invest in higher return financial instruments.

Conduit Financing: A financing arrangement involving a government or other qualified agency using its name in an issuance of fixed income securities for a non-profit organization's capital project.

Derivative Product: A product, such as an option or futures contract, whose value is derived from the performance of an underlying security. A commonly used derivative is an interest rate swap. Given the complexity of derivative products, the City and its related entities will not utilize derivative products in its debt issuances.

Mello-Roos Community Facilities Act of 1982: Community Facilities Districts (CFDs), more commonly known as Mello-Roos, are special districts established by local governments in California as a means of obtaining additional public funding. Cities, counties, special districts, joint powers authorities, and school districts in California use these financing districts to pay for public works and some public services.

SEC Rule 15c2-12: The SEC requirement that defines the required continuing disclosure requirements for municipal security issuers. Continuing disclosures consist of periodic reporting on the status of the debt issuance to the Municipal Securities Rulemaking Board (MSRB).

501c3 Organizations: The most common type of US tax-exempt nonprofit organization, whereby the organization is exempt from federal income tax if its activities have the following purposes: charitable, religious, educational, scientific, literary, testing for public safety, etc.

Comparison of Financing Methods

General Obligation (GO) Bonds

- * Strong market acceptance
- * Significant structuring flexibility
- * Favorable interest rates
- * No reserve fund requirement
- * No trustee required
- * Voter approval usually required
- * Pledge of general credit required
- * Difficult to enter market

Revenue Bonds

- * Debt is secured by system users
- * Debt limits not applicable
- * Higher interest costs than GO Bonds
- * Debt service reserve required
- * Trustee required
- * Voter approval usually not required
- * Coverage covenants usually included
- * Limited revenues available to secure debt

Special Assessment Bonds

- * Voter approval usually not required
- * Debt limits may not apply
- * Debt is secured by beneficiaries
- * Complexity greater than GO Bonds
- * Market concerns about defaults
- * Limited revenues to secure debt
- * Higher interest costs due to higher risk

Certificates of Participation

- * Voter approval usually not required
- * Debt limits not applicable
- * Good market acceptance
- * Complexity greater than GO Bonds
- * Risk of citizen opposition
- * Limited revenues to secure debt
- * Less secure than GO Bonds

Policy 7.2.1 Community Engagement— Goals and Policies

Goal A: Achieve a community in which all community members are well informed about local issues, City Programs and Services.

Policy A.1 Assure that all community members have reasonable access to City information, services and programs within budgeted resources.

Policy A.2 Provide accurate and thorough information in a timely manner to ensure that community members have an opportunity to respond effectively.

Policy A.3 Ensure an integrated approach to informing community members about local issues, City programs and services that reaches segments of a diverse community.

Goal B: Achieve a community in which all community members can be actively involved in shaping the quality of life and participate in local community and government activities.

Policy B.1 Encourage community involvement in the development and implementation of City and community activities, programs and services.

Policy B.2 Simplify processes and procedures to make it easy and convenient for community members to participate in City activities and programs.

Policy B.3 Promote the importance and benefits of community involvement.

Policy B.4 Promote and encourage volunteerism in City and community affairs.

Policy B.5 Plan for and develop wide representation of the community when obtaining public input for policy decisions.

Policy B.6 Provide opportunities for and encourage involvement from community members that reflect the diversity of the City.

Goal C: Create a strong, positive community identity, rich in cultural diversity.

Policy C.1 Actively encourage public and professional recognition of the City through awards and promotion of significant City and community accomplishments and innovations.

Policy C.2 Encourage celebrations which help to create a strong, positive community identity and recognize cultural diversity.

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Policy C.3 Engage in regional, state, national and international activities which promote a positive community identity for the City of Sunnyvale.

Policy C.4 Foster an environment of awareness, respect and understanding that encourages community engagement with different cultures.

(Adopted by Resolution 116-95; RTC 95-058 (2/7/95); RTC 07-359 (10/30/07); Administrative Update (March 2012))

Lead Department: Office of the City Manager

Policy 7.2.2 Public Posting of Notices at City Facilities

POLICY PURPOSE:

The purpose of this policy is to provide procedures and controls of posting of notices by the public on City bulletin boards. The policy will govern the size of notices, time frame for their display, the limitations imposed for certain materials, and finally, restrictions as to the posting of non-City activities.

POLICY STATEMENT:

1. Each department director shall designate those areas, bulletin boards or other notice facilities under his/her control, if any, which will be accessible to the public.

Each director may designate that no such facilities will be accessible to the public.

2. Notices to be posted shall be received by those appropriate staff members who may be designated by department directors, provided that each of the following conditions is met:

- A. Notices shall not exceed 8-1/2" x 11" in size.
- B. Notices promoting particular events shall be accepted no more than thirty (30) days prior to the first date of such event(s).
- C. Notices shall not be accepted which advertise or promote commercial or private sales or transactions.

3. Upon receipt of each notice, the designated staff member shall indicate on it, in writing or by stamp, the date of its receipt. Notices will be posted by staff in order received as available space permits, subject to the following rules:

- A. No notice, whether posted or not, shall be retained for more than thirty (30) days after its receipt.
- B. No notice advertising a particular dated event, whether posted or not, shall be retained more than one day following the expiration of the event, or program which it advertises.
- C. All notices shall be discarded upon the expiration of the time periods stated above. City assumes no responsibility for such notices.

(Adopted: RTC 80-031 (1/15/1980); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Office of the City Manager

Policy 7.2.3 Council Handling of Resident Complaints on Residential Rental Issues

POLICY PURPOSE:

In establishing the tenant/landlord information, referral, and mediation service, and in contracting with Project Sentinel to provide these services to the residents of the City of Sunnyvale, the City Council has recognized the need to provide a publicly funded forum in which owners and renters may meet to work out acceptable solutions to residential rental disputes. Council also acknowledged that there may be circumstances where the use of a subpoena to bring a reluctant party to the mediation table might be appropriate, prudent, and helpful to the process.

The purpose of this policy is to provide the City Council with a basis for responding to tenants and/or landlords who are displeased with the results of the mediation process as operated by Project Sentinel. A further purpose is to set forth policy of the Council regarding persons with complaints about the level or quality of service provided by Project Sentinel and the way those services are provided.

POLICY STATEMENT:

It is the policy of the City that the City Council shall not sit as an appeals board to listen to aggrieved tenants and/or landlords who wish the City Council to intervene on their behalf to alter or modify the solution reached during the mediation or conciliation process.

It is the Council's intent that the subpoena power provided by Chapter 9.74 of the Sunnyvale Municipal Code shall be used in warranted cases as a last resort to bring reluctant landlords and/or tenants into the mediation process.

It is the policy of the City Council that the involvement of the City in tenant/landlord issues is limited to the scope of the Project Sentinel contract, and the subpoena process which is a part of that program. The City Council position is that the proper avenue for appeals from decisions reached in the mediation process should be through the appropriate court of law.

With regard to residents complaining to the City Council about the level or quality of service or the method of service delivery by Project Sentinel, Council policy is that any complaint of this nature brought to Council is an appropriate subject for Council review and action. Ordinarily, this would involve referral to staff and the Housing and Human Services Commission for study and recommendation.

(Adopted: RTC 85-162 (4/9/1985); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development Department

Policy 7.2.4 Relationships with Outside Groups

POLICY PURPOSE:

The intent of this policy is to identify the various types of support the City will provide to outside groups and/or independent organizations, as well as the circumstances under which support will be provided.

POLICY STATEMENTS:

Eligibility

Outside groups and/or independent organizations provided support under this policy shall provide a community service, or promote an informed interest in the City's objectives, services, facilities and programs for the benefit of its residents and businesses, and/or have its purpose the raising of funds and provision of financial support for the City's programs, and comply with the First Amendment, pertinent federal and state laws as well as City ordinances.

Types of Support

1. Financial Support

Human Services Groups seeking financial support from the City must comply with the City's Human Services Policy (Council Policy 5.1.3) administered by the Department of Community Development. This is true regardless of the type of funding desired by the group (i.e., printing costs, facility rental fees, insurance costs, general operating expenditure support, etc.)

Additional financial support is available only through a Special Agreement (see below).

2. Use of City Facilities

It is the City's policy to afford use of specific City facilities-during such times the City does not itself have use for said facilities- to outside groups and/or independent organizations. Outside groups and independent organizations using City facilities shall do so consistent with City policies on facility use and shall pay all required fees in accordance with established fee schedules.

Additional use of City Facilities is available only through a Special Agreement (see below).

Publicity

Groups seeking assistance with publicity shall comply with the following:

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1. Council Banner Policy (Council Policy 2.5.2) which defines conditions and circumstances under which outside groups are allowed to hang banners on City property.
2. Administrative policies governing City publications and other forms of media (e.g. KSUN-15), and the display or distribution of printed materials on City property.
3. Outside groups are prohibited from using the City's logo for any purpose unless specifically authorized to do so by the City.

Other Support (Special Agreements)

Outside Groups or independent organizations seeking higher levels of support or different types of support than are provided for above, shall submit a written request to the appropriate Department for review.

Examples include, but are not limited to: approval to put the City's logo on the independent organization's printer materials; use of City spaces for special uses not covered by standard facility rental fees (e.g., storage, snack shacks; construction of special structures or fixtures on City property). Following review, staff shall inform the requestor as to:

1. Whether staff supports the provision of the requested support.
2. The required approval process (Does it require City Manager or City Council approval? Does it require a study issue to be ranked by City Council?) Any agreement including the provision of City facilities, goods or services to an outside group for less than the approved fee for those goods or services (or in cases where there is no approved fee where City goods or services are provided at less than the cost incurred by the City to provide them) shall require Council approval. Any Special Agreement requiring Council approval shall first be reviewed by the appropriate board or commission. Where no appropriate board or commission exists, the Office of the City Manager shall provide its recommendation to City Council.

(Adopted: RTC 84-644(12/4/1984); Amended: RTC 88-238(5/17/1988), 92-519(10/27/1992, 03-361(10/21/2003); (Clerical/clarity update, Policy Update Project 7/2005); Amended: RTC 06-112 (4/11/2006)/Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 7.2.5 Relocation Appeals Board

POLICY PURPOSE:

The Redevelopment Agency of the City of Sunnyvale in connection with the relocation of persons from a redevelopment project area within the City of Sunnyvale, requires a relocation appeals board pursuant to Section 33417.5 of the Health and Safety Code of California. That section requires such a board be appointed by the Mayor, subject to the approval of the City Council.. The Mayor and Council desire to have the City’s Board of Building Code Appeals, because of its knowledge of matters likely to arise on relocation appeals, perform the duties of and act as the relocation appeals board of the Agency.

POLICY STATEMENT:

1. A relocation appeals board, to be known as the “Relocation Appeals Board of the Redevelopment Agency of the City of Sunnyvale” is hereby created and shall consist of the five members of the City of Sunnyvale Board of Building Code Appeals. The members of the Board of Building Code Appeals are hereby appointed by the Mayor and approved by the Council.
2. The Board shall promptly hear all complaints brought by residents of a redevelopment project area within the City of Sunnyvale relating to relocation by the Agency and shall determine whether the Agency has complied with the applicable provisions of law relating to its relocation obligations. The Board shall, after a public hearing, transmit its findings and recommendations to the Agency for approval by the Agency.
3. The members of the Board shall serve without compensation, but each of the members shall be reimbursed for necessary expenses incurred in performance of duties, as determined by the Council. The terms of the members of the Board and their successors shall coincide with their terms on the Board of Building Code Appeals.
4. The Board shall adopt such By-laws at its first meeting as it deems necessary.

(Adopted: RTC 324-77 (8/30/1977))

Lead Department: Community Development

Policy 7.2.15 KSUN-15 Programming

POLICY PURPOSE:

The City of Sunnyvale government access cable television channel (KSUN-15) is a community source of information regarding the issues, programs and services of the City and other public and non-profit agencies serving Sunnyvale. The purpose of this policy is to define guidelines affecting the nature, extent and priorities of the City's KSUN-15 programming activities, production and materials in order to provide relevant, appropriate and effective public information to the community within the City's resource constraints.

POLICY STATEMENT:

Objectives of KSUN-15 Programming

1. Provide practical information on and promote effective public participation opportunities in City programs, services and activities.
2. Increase public access to the policy-making processes of the City, including the City Council and appropriate boards and commissions.
3. Promote public education regarding City government issues and services of general interest to residents.
4. Provide information about other government or community services, programs and activities of interest to or affecting the City and the community

Programming Categories

KSUN-15 uses graphics, text, live or taped programming to provide information to the residents of Sunnyvale concerning the operations and deliberations of City government. Programming includes in-house productions (originating from City departments and City-related services) or acquired productions (originating from other public or non-profit agencies). Programming includes bulletin board announcements for events and services sponsored by the City, as well as for other public and non-profit agencies which are suitable for Sunnyvale. KSUN-15 will not carry commercial announcements or programming.

1. Emergency Public Information:

KSUN-15 programming will carry emergency information as a preemptive and immediate priority to assist the public in matters of public safety and public health.

2. Public Meetings:

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KSUN-15 live and taped coverage of public meetings include, in order of priority:

- A. City Council meetings: Regular and special meetings of the City Council will be carried live when technically possible and by taped replay. Annually planned Council workshops are included.
 - B. Planning Commission meetings: Regular meetings of the Planning Commission will be carried live when technically possible and by taped replay.
 - C. Other City board and commission meetings: Occasionally meetings of other City boards, commissions or advisory panels may be carried live or by taped replay, depending on scheduling constraints and the purpose of the meeting.
 - D. Other meetings directed by the City Council: Special meetings of Council sub-committees, community task forces or similar events may be covered upon specific Council direction.
 - E. Other public or non-profit agency meetings: Live or taped meetings of other public and non-profit agencies, such as meetings of councils, boards or committees of other jurisdictions; public information presentations; candidate forums sponsored by non-partisan organizations; and legislative “town hall” meetings may be carried on KSUN-15 if the purpose of the meeting meets the programming criteria in this policy.
 - F. Editing: All live or taped meetings of City Council, boards, commissions and committees shall not be edited, and coverage will be “gavel-to-gavel” with the exception for improving technical quality. Cameras will focus on the persons speaking, and will not include actual or implied reaction by speakers or audience. Tapes of meetings provided by outside agencies may be subject to editing for cablecasting purposes.
 - G. Supplementary video materials: Videotapes or video output of graphic materials may be included for meeting presentations, subject to limitations on length, quality and suitability in accordance with programming criteria in this policy.
3. City events coverage:

Special events sponsored by the City, such as the annual State of the City event, may be carried on KSUN-15 live when technically possible, or by taped replay.
 4. Bulletin Board information:

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The KSUN-15 bulletin board carries text and graphic information and announcements regarding events, activities and services. The priorities for placing bulletin board messages are:

- A. Direct City services, events and issues: Information about services and activities provided by City programs have first priority for the KSUN-15 bulletin board.
- B. Community events, services and issues: Announcements from organizations which are sponsored by the City; provide services which help accomplish City goals; or are consistent with other programming criteria for general community interest may be posted on the KSUN-15 bulletin board.

5. City-originated programming:

Programming may be produced or acquired by City departments and programs to accomplish City public information objectives. Resources to develop programming would be allocated from specific program budgets for this purpose.

6. Elections Programming:

KSUN-15 may carry voter information programming produced for municipal or other local elections affecting Sunnyvale. Such programming can include candidate forums, video candidate statements, or other presentations regarding ballot measures which are available to all official candidates or representatives of issues. Candidate or issue forums should be co-sponsored by non-partisan community organizations. The costs of producing programming regarding non-municipal elections shall be borne by the sponsoring organizations. The costs of producing video candidate statements shall be borne by the candidates in accordance with state elections laws.

7. Outside-produced programming:

Other public or non-profit agencies may apply for time on KSUN-15 if the activity or information may affect Sunnyvale residents, if programming time is available, and meets the general criteria outlined in this policy.

8. Other programming:

Other programming would be considered for scheduling on KSUN-15 if the activity or information may affect Sunnyvale residents, if programming time is available, and meets the general criteria outlined in this policy.

9. Prohibited programming:

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Programming, events, and bulletin board announcements not permitted on KSUN-15 include:

- A. Commercial programming;
- B. Fund solicitations or lotteries;
- C. Partisan, political, or personal information, viewpoints and events, (including any endorsements of political candidates, commercial products or brand names) unless part of an overall programming goal to solicit a range of viewpoints with equal time provisions;
- D. Information, programs or events not relevant to the Sunnyvale community or oriented to private interests;
- E. Legally-protected confidential information;
- F. Illegal activities;
- G. Obscene, offensive or defamatory material. Community standards for good taste will be adhered to at all times.

Programming Criteria

Criteria for programming in this policy shall guide decision-making regarding the selection, development and scheduling of public information programs on KSUN-15. The criteria are intended to achieve a reliable source of community information regarding public policy issues and municipal services which is non-biased, accurate, practical and relevant. Programming which does not meet these criteria or priorities will not be cablecast on KSUN-15.

1. General Criteria

- A. Relevance to community: The subject matter for programming on KSUN-15 should be substantially relevant to the Sunnyvale community and to City municipal services, programs, policies and issues.
- B. Practical and objective: The program content should be practical, accurate, objective, non-partisan, and balanced in order to be useful for citizens to become better informed about civic issues and services.
- C. Technical quality: The technical quality of the program should meet professional cable production standards comparable to or better than the cablecasting of City meetings.
- D. Government focus: KSUN-15 programming will focus on government public information; it will not be used as a forum to benefit any individual person, office or organization.
- E. Content and editing: KSUN-15 programming developed by either City departments or outside agencies may be subject to acceptance or rejection,

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modification and editing as necessary for suitability for cablecasting in terms of quality, schedule, length or content.

2. City Produced, Sponsored or Acquired Programming
 - A. City public information objectives: KSUN-15 programming developed by the City should be aimed at accomplishing specific public information goals related to issues and services of the City.
 - B. Public information and communications planning: Use of KSUN-15 to provide public information should be planned in the context of the full public information media available for City programs in order to achieve the most effective and efficient use of resources.
3. Outside Requests for Programming
 - A. Originators of requests: Requests for programs may be made by other government agencies (including local, state and federal agencies and legislative offices) or non-profit and community organizations which provide services to or affect Sunnyvale. Requests from individuals will not be considered unless they are sponsored by an appropriate outside agency or City program.
 - B. Policy relevance: Program content from outside agencies should be limited to issues that under the jurisdiction of the agency, that have substantial relevance to the Sunnyvale community, or that have relevance to City of Sunnyvale programs, services or issues.
 - C. Cost considerations: There should be no additional production or programming costs to the City for programming produced by or replayed at the request of outside agencies which is not otherwise sponsored by the City. Costs of production shall be paid for or reimbursed by the requesting agency.
 - D. Program evaluation: Each request for programs to be replayed on KSUN-15 prepared by a non-City entity will be evaluated individually against the criteria contained in this policy; approval of a particular program does not imply approval of subsequent submittals or programs by others in similar positions or organizations.
 - E. Equal time: All programming will be non-partisan and consistent with criteria in this policy. Cablecasting of programs on KSUN-15 shall not lead to the subsequent need for “equal time” or rebuttal programs.

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- F. City's right to decline: The City reserves the right to decline to cablecast any programming furnished by outside sources, using the criteria in this policy.

Scheduling Criteria

- 1. City Responsibility:

The City is entirely responsible for all scheduling decisions for KSUN-15 programming, including start and stop dates, frequency of playback, times of playback, and modifications of schedule.

- 2. Programming Schedule Requests:

Requests for scheduling taped programming for play on KSUN-15 should be submitted at least three weeks in advance of the requested replay date to provide time for City review and for scheduling of requested programs and for providing announcements regarding the program on the KSUN-15 bulletin board.

- 3. Production requests: Requests for the production and cablecasting of public meetings or events should be received at least six weeks in advance to allow for scheduling KSUN-15 operations staff.

- 4. Priorities:

Scheduling priorities generally will be according to the following order:

- A. Regular City Council meetings and replays, including the annual workshops of the City Council. Regular Council meetings shall be replayed a minimum of two times.
- B. Events and meetings as directed by the City Council as a body, such as the State of the City, sub-committee meetings, or Council candidate forums and video statements.
- C. Regular meetings and replays of the Planning Commission, and special meetings of other City advisory boards and commissions. Board and commission and other City meetings shall be replayed at least one time.
- D. Public information programming produced, acquired or sponsored by City departments for specific public education objectives.
- E. Programs requested by outside public or non-profit agencies which meet the criteria in this policy.

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- F. Any other programming request will be evaluated according to the criteria in this policy. Generally, requests by individuals will not be considered unless sponsored by a City department or by a public or community agency which provides services affecting the Sunnyvale community.
5. Frequency and duration:
- Replays of programs generally will be scheduled to allow multiple opportunities for public viewing. City meetings will be shown as indicated in this policy, and the frequency of replays and the duration of replay periods for other programs will be determined according to relevance and timeliness, and schedule availability and constraints.
6. Constraints
- Operational constraints on programming production and replay may limit the frequency and duration of replay scheduling. These constraints include conflicts with other priorities, availability of operations staff for tape changes, and equipment limitations.

Programming Costs

1. City-produced or sponsored programming:
- Resources for KSUN-15 programming for departmental public education purposes shall be provided through City program budget allocations.
2. Outside Programming:
- The costs of production of outside programming, including live cablecasts such as town hall meetings or forums, shall be paid by the sponsoring organization.

Responsibility for Programming Decisions

The City Manager will designate City staff to coordinate, review, produce and schedule KSUN-15 programming using the criteria outlined in this policy. When the City Council desires specific programming to be produced or played on KSUN-15, it should specifically direct the City Manager for this purpose.

(Adopted: RTC 96-166 (5/7/1996); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Office of the City Manager

Policy 7.2.16 Telecommunications

POLICY PURPOSE:

It is essential that local governments are aware of the impact of emerging telecommunications on cities and on the citizens they serve. The purpose of this policy is to define the City's roles as regulator, service provider and facilitator for telecommunications resources provided to the community. These roles will enable the City, dependent upon available resources, to retain and maintain regulatory authority within the confines of the state and federal legislation over the rights-of-way and public property, to encourage competition, to review opportunities to implement telecommunications technology to deliver City services and provide information, to work with local businesses and industries in leveraging telecommunications technology to maintain the economic vitality of Sunnyvale and to improve quality of life for the community.

POLICY STATEMENT:

It is the policy of the City to:

1. Retain control of public property within the confines of state and federal legislation to regulate telecommunications services provided to Sunnyvale residents.
 - A. Promote retention of the City's regulatory role in telecommunications.
 - 1) Maintain control of use of local public rights-of-way for telecommunications purposes.
 - 2) Exercise local franchising authority related to provision of telecommunications services.
 - 3) Monitor state and federal telecommunications regulatory activities and communicate the City's views and concerns through formal and informal channels.
 - 4) Advocate for the reinstatement of local regulatory authority in the event of loss of effective competition.
 - 5) Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities, and structures.
 - B. Advocate symmetrical regulation for all Sunnyvale telecommunications service providers.

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- 1) Promote use of regulatory oversight to restrain monopolistic practices.
 - 2) Establish fair, reasonable, and nondiscriminatory terms and fees for use of Sunnyvale's public rights-of-way for commercial enterprises.
 - 3) Promote delivery of community-oriented services to Sunnyvale residents by stipulating a reasonable percentage of each system be dedicated to the delivery of such services.
- C. Encourage high quality service and service standards for all telecommunications providers.
- 1) Establish service standards within the confines of state and federal legislation and evaluate services to ensure continued high quality customer service and affordable contemporary technology.
 - 2) Advocate Sunnyvale voice telecommunications carriers to provide access to local 911 emergency services at no charge.
 - 3) Advocate Sunnyvale telecommunications carriers to provide access to voice/non-voice relay services at no charge beyond normal usage charges to all Sunnyvale residents.
- D. Advocate for privacy laws and security standards at the state and federal levels which protect Sunnyvale telecommunications users.
- 1) Advocate the establishment of transaction security for financial and personal transactions.
 - 2) Advocate for confidentiality guarantees of all user information unless otherwise consented to by the user, including access information.
 - 3) Encourage telecommunications providers to educate City users about the implications of privacy and information security issues.
 - 4) Advocate the implementation of a "digital signature" standard that reliably identifies the sender and recipient of electronic transactions.
 - 5) Support the implementation, where feasible and appropriate, of established technical standards for authenticity of City documents and information.

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2. Promote universal access to telecommunications services for all Sunnyvale residents.
 - A. Promote universal service and access for every Sunnyvale resident.
 - 1) Support equitable access to public information for all Sunnyvale residents.
 - 2) Support affordable pricing for basic telecommunications services for all consumers.
 - 3) Advocate that the introduction of advanced telecommunications services do not adversely impact basic service rates.
 - 4) Recognize telecommunications needs of special groups, such as the economically disadvantaged, non-English speakers, minorities, the elderly, and individuals with disabilities.
 - 5) Advocate that all Sunnyvale telecommunications service providers equitably share the responsibility and the costs for maintaining universal service.
 - 6) Advocate that the definition of basic universal service be expanded as new services become essential to participation in the social and economic mainstream.
 - B. Promote the opportunity for Sunnyvale residents to acquire the appropriate skills to participate in a technologically advanced society.
 - 1) Encourage Sunnyvale schools to develop programs that help students acquire appropriate telecommunications skills.
 - 2) Promote life-long learning through the use of telecommunications.
 - 3) Facilitate technical training and telecommunications access for all Sunnyvale residents.
3. Use telecommunications to maintain and enhance information resources and services provided to Sunnyvale residents.
 - A. Use telecommunications to provide public information to Sunnyvale citizens, businesses, industries and schools.
 - 1) Ensure that appropriate printed public information currently available to Sunnyvale citizens will remain free of charge in electronic form.

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- 2) Ensure that essential telecommunications services are available on demand for the public interest.
 - 3) Support easy public access to public information to the widest extent possible.
- B. Use telecommunications to improve the City's efficiency and delivery of public services while reducing operating costs.
- 1) Enhance Sunnyvale's ability to share public information through appropriate implementation of telecommunications technologies.
 - 2) Explore the potential use of telecommuting by City staff where appropriate and economically feasible.
 - 3) Consider projects which link the public with City staff and services including: on-line access to staff reports, electronic access to building codes and permit applications, and City statistics.
 - 4) Use telecommunications technology to enhance emergency services and coordinate emergency preparedness information to residents.
- C. Use telecommunications to enhance the lives of Sunnyvale residents.
- 1) Support the use of telecommunications services to protect the property and lives of citizens.
 - 2) Encourage the use of advanced telecommunications systems which support community-oriented information dissemination, library services, and educational services.
 - 3) Encourage the use of advanced telecommunications systems to enhance the lives of Sunnyvale citizens through individual choices, better recreational activities, and other community services.
 - 4) Promote the use of telecommunications technology to deliver learning services and resources beyond the classroom and library to Sunnyvale homes, organizations, and businesses.
 - 5) Use telecommunications technology to enhance rather than preclude personal interactions.
4. Promote use of telecommunications technology, where appropriate and within the scope of available resources, to enhance the economic vitality of Sunnyvale.

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- A. Encourage Sunnyvale businesses and industries in leveraging telecommunications technologies to remain competitive.
 - 1) Encourage Sunnyvale businesses to use telecommunications to achieve greater economic competitiveness.
 - 2) Where appropriate, recommend changes to City ordinances, requirements, or procedures to enable telecommunications technology advances.
 - 3) Market telecommunications services to encourage relocation and retention of businesses in Sunnyvale.
 - 4) Promote development of telecommunications-based applications for teaching, learning, training, and retraining Sunnyvale's workforce.
 - 5) Seek the attraction of information-intensive businesses and point-of-sale operations in order to diversify the City's economic base and City revenues.
 - B. Encourage Sunnyvale businesses and industries in conducting business with anyone, anywhere, at any time.
 - 1) Support telecommunications research and innovation, where appropriate, in business and government.
 - 2) Encourage State authorities to explore development of construction requirements which include built-in telecommunications features.
 - C. Advocate legislation that identifies telecommunications revenue sources for local governments.
 - 1) Pursue alternate revenue sources to offset any potential revenue loss from the use of telecommunications, such as diminished sales taxes.
 - 2) Explore opportunities to increase telecommunications revenues.
5. Facilitate the creation of an advanced telecommunications network infrastructure, within given resources, for Sunnyvale residents, businesses, and industries.
- A. Advocate that the Sunnyvale telecommunications infrastructure is a reliable broadband interactive digital network that will provide advanced telecommunications services for its community members, businesses, industries and schools.

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- 1) Promote creation of a broadband, high-speed digital infrastructure available to all Sunnyvale citizens, businesses, industries, schools and agencies.
 - 2) Encourage development of telecommunications infrastructure and investments to expand telecommunications services available in Sunnyvale.
 - 3) Use interoperable open standards for the City's governmental telecommunications equipment and services.
 - 4) Promote interoperability, efficient interconnection, and adherence to open industry standards for all elements to facilitate City-wide connectivity.
- B. Promote interconnection and common carrier collaboration among Sunnyvale telecommunications providers and the City.
- 1) Encourage infrastructure joint ventures to maximize the value of telecommunications information to consumers.
 - 2) Advocate fair and equitable consumer billing practices among multi-carrier providers.
 - 3) Promote the concept of a single address for each user, when economically and technically feasible, regardless of location or service provider.
 - 4) Support coordination of a shared common grid of telecommunications systems for education, health care, public agencies, social services, justice and economic development.
 - 5) Seek opportunities for partnerships and collaborations with the private sector to obtain equity in the telecommunications infrastructure to reduce City costs and improve municipal services.
- C. Promote a telecommunication system designed to stimulate competition and innovation.
- 1) Encourage fair, open competition among telecommunications service providers to increase the quality and variety of services.
 - 2) Promote provision of an open platform for innovation by local content and services providers.

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(Adopted: RTC 96-042 (2/13/1996); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Information Technology Department

Policy 7.2.17 Internet Use

POLICY PURPOSE:

The Internet affects the social, cultural, educational and political environments within the community. It is recognized that the City has little policy control over the Internet. The purpose of this policy is to outline a strategy for the City's use of the Internet. The strategy includes creating an Internet-friendly environment for Sunnyvale's businesses, industries and residents; improving service delivery and allowing City government to become more effective; providing lifelong learning and access to public information; ensuring information privacy; and other services to improve the quality of life in Sunnyvale.

POLICY STATEMENT:

It is the policy of the City to:

1. Use the Internet to maintain and enhance the City's information resources and services provided to Sunnyvale citizens.
 - A. Use the Internet to provide public information to the public.
 - (1) Ensure that appropriate printed public information currently available to Sunnyvale residents will remain free of charge in electronic form.
 - (2) Ensure that essential information is available on demand via the Internet for the public interest.
 - (3) Support easy public Internet access to public information to the widest extent possible.
 - B. Use the Internet to improve the City's efficiency and delivery of public services while reducing operating costs.
 - (1) Use the Internet as a tool to deliver City services.
 - (2) Consider projects that use the Internet to link the public with City staff, City information repositories, and services including on-line access to: Council agendas and minutes, building codes and permit applications, staff reports, City statistics, the Municipal Code, and City policies.
 - (3) Use the Internet to reengineer City services, where appropriate, to make City government more cost-effective and responsive.

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2. Promote the use of the Internet, where appropriate and within the scope of available resources, to enhance the economic vitality of Sunnyvale.
 - A. Encourage, Sunnyvale businesses and industries, where appropriate, to use the Internet to remain competitive.
 - (1) Where appropriate, recommend changes to City ordinances, requirements, or procedures to allow Internet services to improve for Sunnyvale businesses and industries.
 - (2) Market Sunnyvale as a worldwide center of Internet services and products to encourage the relocation and retention of businesses in Sunnyvale.
 - (3) Promote the development of Internet-based applications for teaching, learning, training, and retraining of Sunnyvale's workforce.
 - (4) Attract Internet-oriented businesses and point-of-sale operations in order to diversify the City's economic base and City revenues.
 - B. Encourage Sunnyvale businesses and industries to conduct business with anyone, anywhere, at any time via the Internet.
 - (1) Support Internet innovation, where appropriate, in business, government and nongovernmental community organizations.
 - (2) Encourage state authorities to continually revise state laws, regulations and procedures to allow new forms of Internet commerce and business transactions.
 - C. Advocate legislation that ensures that no city is adversely impacted by new forms of Internet commerce.
 - (1) Advocate the protection of sales tax revenue bases of cities.
 - (2) Explore new opportunities to increase City revenues based on Internet-related activities.
3. Promote the use of the Internet to improve the quality of life for Sunnyvale residents.
 - A. Use the Internet to enhance the lives of Sunnyvale citizens.
 - (1) Use the Internet to make Sunnyvale citizens more aware of community resources in the areas of public safety, emergency

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preparedness, leisure activities, learning resources, and other community services.

- (2) Encourage the use of the Internet to support community-oriented information dissemination, library services and lifelong learning.
- (3) Promote the use of the Internet as a vehicle to deliver learning services and resources beyond the classroom and the library to Sunnyvale homes, organizations and businesses.
- (4) Promote the use of the Internet as a tool to enhance rather than preclude personal interactions and participation in civic life.
- (5) Promote access to a full array of City and non-City Internet services for individuals with disabilities.

B. Advocate for privacy laws and security standards at the state and federal levels which protect Sunnyvale Internet users.

4. Facilitate ongoing development of advanced telecommunications network infrastructure, which encourages competition for Sunnyvale residents, businesses, and industries.

(Adopted: 96-229 RTC (6/18/1996); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Office of the City Manager

Policy 7.2.18 Special Events

POLICY PURPOSE:

The purpose of this policy is to consolidate and clarify the City's special event goals, policies and procedures

POLICY STATEMENT:

The City of Sunnyvale recognizes the social, cultural, and economic enrichment that special events bring to Sunnyvale. Special events foster a unique sense of place, build a sense of community, provide an enjoyable quality of life for community members, and contribute to the local economy by attracting visitors and shoppers. The City is committed to encouraging privately sponsored special events while providing for the protection of residents, visitors and event participants. It is the intent of the City to protect the quality of life of its residents and provide careful stewardship of City resources by establishing:

- The least restrictive and most reasonable manner of regulation to maximize the benefits and minimize the burdens of special events;
- Streamlined event application and approval processes;
- Policies and regulations that allow for the advance planning and management of City personnel and resources.

I. Definitions

Special Event -- a program or set of activities that is unique or out-of-the norm in nature, requires significant effort to plan and implement, and may require City permits or utilize City resources. Special events include, but are not limited to: parades, festivals, street fairs, sidewalk sales, outdoor music concerts, block parties, athletic events such as runs, walkathons, bicycle races, etc.

Community Event – a special event which is open to the public and typically expects a large turnout from Sunnyvale community members.

Fundraiser – an event that solicits funds from attendees either through direct ticket sales or asking for a donation. Also includes a subcommittee or sub-organization of the sponsoring organization asking for funds in the form of raffle tickets, silent auction bids or items of similar intent.

Event Owner – The organization submitting the event application and that will be responsible for the event.

Event Sponsor – Organizations which and/or individuals who provide resources for an event in exchange for publicity or recognition in an event's promotional materials and activities.

II. Events Conducted by Parties Other than the City

The City is committed to a very high standard of customer service and seeks to provide clear and streamlined event procedures and regulations, including timely responses to event-related inquiries.

A. Special Event Procedures

- 1) All persons who wish to initiate a special event requiring City permits or resources must utilize the City's Special Event Application, which shall be reviewed and approved or denied administratively by the city manager (or his/her designee). The City shall inform the applicant in writing of approval, or the grounds for denial, or the conditions of approval.
- 2) Event owners must comply with all event permit requirements, City codes and ordinances. Applicants must provide evidence of compliance with any required permits from outside agencies (e.g., health department, liquor license, etc.), proof of required insurance, hold harmless agreements and any other documents identified in the application procedure.

B. Fees for City Services

Except as noted in Paragraph C below, the City does not provide in-kind services or fee reductions for events conducted by other agencies. All event costs, including those for City services, facility rentals and permitting fees, must be paid by the agency conducting the event. All fees shall be charged in compliance with the City's current fee schedule. Fees include but are not limited to:

- i. Permit fees. All fees required must be paid prior to issuance of a permit. The permit will be issued when the applicant has agreed in writing to comply with the terms and conditions of the permit, and all other conditions have been met.
- ii. Salary costs for Public Safety officers and other City personnel who facilitate or monitor the event.
- iii. Costs for use of City equipment such as barricades, cones, etc.
- iv. Deposit for clean-up costs associated with permitted sale of food and beverages, erection of structures, or use of refreshments or aid stations (refundable if no clean-up or damage to City property is incurred)
- v. Facility rental fees.
- vi. Fees for use of City banner sites.

C. City Participation in Events

If invited by the event owner, and as resources permit and deemed appropriate by the City, the City may participate in an event at no charge to the organization conducting the event (e.g. providing a fire engine or a booth about City services).

D. Community Event Grant Program

The City may fund community events through this program, subject to the following criteria:

- i. Council will establish a subcommittee to review grant applications and allocate grant funding. Subcommittee membership will be by mayoral appointment;
- ii. Beginning in Fiscal Year 2011/12, a Community Event Grant application will not be funded if the applicant owes a debt to the City;
- iii. Applicants for Community Event Grant funding must submit a marketing plan with the application to include the type of advertisements to be used; where they will be placed; and if the applicant wishes to use KSUN in their marketing. Furthermore, post-event evaluation must be provided to the City, reporting what advertising/marketing was conducted and its frequency. The applicant must include a copy of any billing for ads and a tear-sheet or other copy of the advertisements;
- iv. Use of Community Event Grant program awards will not be allowed for fundraising events;
- v. Grant funding is not intended to be an ongoing funding source for an event; each year each application needs to be evaluated; funding in one year is not a guarantee of future funding. Grant application forms and post-event evaluation forms must include a four-year event sustainability plan;
- vi. The City will not waive any fees; grant awards may be used to cover any cost, including City costs payable to the City;
- vii. The grant application form will include language that the subcommittee may request an interview with the applicant.

III. City's Role Regarding Community Associations Forming to Provide Events

Consistent with the City's commitment to leveraging resources through community partnerships, as appropriate and upon invitation, the Office of the City Manager will explore participating in the formation of community associations, or other non profit entities, dedicated to supporting or managing a City-wide community event.

IV. City-provided Special Events

A. To the extent that economic conditions and the City's resources allow, Sunnyvale provides the following annual, community-wide special events: State of the City Celebration, Hands on the Arts, Health and Safety Fair, 4th of July Celebration, and National Night Out.

B. Volunteer support and sponsorship by other organizations and businesses encourage community participation, provide recognition, and lower event costs. All event sponsors providing in-kind service contributions or donations valued at \$100 or more receive recognition in event publicity materials.

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C. Corporate citizenship plays an important role in community life and refers to the active participation of local businesses in community affairs. Businesses are encouraged to sponsor events that enrich the lives of residents. The City facilitates and provides opportunities for event sponsorships through publication and distribution of sponsorship opportunities including the contribution of funds, time, materials and expertise.

(Adopted: RTC 06-090 (3/28/2006); Amended: RTC: 10-234 (9/14/2010); Council action 2/15/2011; Council action 3/29/2011))

Lead Department: Office of the City Manager

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.H, Duties, below.

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 their designated staff. (See also Section 2.H., Duties.)

2. BOARD AND COMMISSION BYLAWS

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

As a matter of policy, it serves the public interest to have the greatest possible public access to board and commission meetings. As such, meeting locations for boards and commission shall be selected by staff according to the following guidelines:

- Meeting rooms should be of a size adequate to allow for public participation.
- Boards and commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.
- Boards and commissions should preferably meet in either the Council Chambers or a large publicly accessible conference room.

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- City Council retains the authority to establish alternate meeting guidelines and/or meeting formats as may be appropriate during a state of emergency aligning with Government Code Section 54953(e) or other circumstances the City Council finds are appropriate.

- (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.
- (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.
- (III) **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. If the first Monday is a City observed holiday, the meeting will be held on the second Monday of the month.
- (IV) **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.
- (V) **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.
- (VI) **Human Relations Commission:**
Formed by [Resolution No. 1159-22](#) and increased to seven members by [Resolution No. 1264-24](#). This seven-member commission acts in an advisory capacity to the City Council in matters pertaining to diversity, equity, access, inclusion, justice and belonging in Sunnyvale. Meetings will be held on the second Thursday of each month at 7 p.m.
- (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 service pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Meetings are held on the second Wednesday of

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each month at 7 p.m.

(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.

(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 7 p.m.

(X) Sustainability Commission:

This seven-member commission acts in an advisory capacity to the City Council to provide expertise on major policy areas related to the environmental sustainability goals of the Climate Action Playbook (CAP) and General Plan. Meetings are held on the third Monday of each month at 7 p.m. 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.

B. Eligibility and Membership

- No board or commission members shall hold any paid office or employment in the City Government.
- All persons appointed to a Charter formed Board or Commission shall be registered voters of the City.
- All persons appointed shall maintain their principal place of residence within the City at the time of their appointment (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (III) (b) (ii) – Sunnyvale residency not required; Human Relations Commission, Category Two, per Section 2.B(III)(d)(ii) – Sunnyvale residency not required; Sustainability Commission, Category Two, per Section 2.B. (III) (e) (ii) – Sunnyvale residency not required).
- If at any time during their term any member of a Charter formed board or commission ceases to be an elector of the City or any member of a board or commission ceases 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 (exceptions: Bicycle and Pedestrian Advisory Commission, Category Two, per Section 2. B. (III) (b) (ii)); Human Relations Commission, Category Two, per Section 2.B.(III)(d)(ii); Sustainability Commission, Category Two, per Section 2.B. (III) (e) (ii)).

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 or domestic partner), currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, City Attorney, Department Director or Assistant Director or equivalent for the City of Sunnyvale.

(I) 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.

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

(a) 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 or domestic partner), 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](#))

(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 [their]—designated representative, shall serve as an ex-officio member of the Commission.* (Source: [City Charter Section 1009](#))

(III) 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. It is preferable that the Arts Commission include at least one member with a background in visual arts and at least one member with a background in performing arts.

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(b) Bicycle and Pedestrian Advisory Commission:

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

- i. Category One shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of their appointment, maintain their principal place of residence within the City. Should any person so appointed cease to maintain their 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 (maximum of two members) shall at the time of their appointment, maintain their principal place of residence outside the City; and include members of Parent Teacher Associations (PTA) or other parent groups, administrations of schools in Sunnyvale, commute coordinators for major employers within the City, principals or teachers from Sunnyvale schools

(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) Human Relations Commission:

- i. Category One (minimum of five members) shall be Sunnyvale residents.
- ii. Category Two (maximum of two members) shall include representative(s) of nonprofit service agencies that serve Sunnyvale residents. Such members need not be Sunnyvale residents.

(e) Sustainability Commission:

The Sustainability Commission shall be open to individuals with a demonstrated interest in environmental sustainability issues. The members of the commission shall be selected from two categories:

- i. Category One (minimum of three members) shall be Sunnyvale residents.
- ii. Category Two (minimum of one member) shall include members of the Sunnyvale business community: Sunnyvale business license holders; or designated representative of Sunnyvale businesses with 200 or more employees. Such members need not be Sunnyvale residents.

(IV) **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 two (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 placed on the agenda at a City Council meeting.

The appointment process will be conducted according to one of the following two methods. In the event that one or more Councilmembers participate via teleconference, voting shall be done using individual candidate votes. Otherwise, the choice of methods is at the discretion of the Mayor on a commission-by-commission basis.

Individual Candidate Votes:

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. The process is repeated for each board or commission.

Paper Votes:

The Mayor will announce each board or commission in an order predetermined by the City Clerk to facilitate a speedy process and to accommodate applicants who specify multiple preferences. The City Clerk will distribute individual voting sheets to be completed by each Councilmember. The candidate receiving the most votes and at least four affirmative votes will be appointed. Should no candidate receive at least four affirmative votes, the vacancy will remain.

Resolving ties:

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 will ask the City Attorney to draw the name of the person to be appointed.

Appointing a Current Board/Commission Member to a Vacant Term:

Should Council appoint a current Board or Commission Member to an unexpired term on the same or a different board or commission, the appointee shall have up to 60 days to continue serving on their current board or commission before they assume office for the unexpired term. The appointee's completion of the oath of office for the unexpired term shall serve as their resignation from their current term.

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

E. Oath of Office

Each board and commission member, before entering upon the discharge of the duties of their office, shall sign the City's Model of Excellence (an attachment to the [Code of Ethics and Conduct for Elected and Appointed Officials](#)) 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 Model of Excellence 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.

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 City 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 Arts Commission
- Members of the Heritage Preservation Commission
- Members of the Housing and Human Services Commission

F. 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, or during the next regularly scheduled meeting if a July meeting is not otherwise necessary, elect one of its members as presiding officer, to serve commencing after the end of the meeting, upon completion of mandatory chair training and ideally in time to advise staff on the agenda for the next regularly-scheduled meeting. 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 Ralph M. 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) Ensures that items on the agenda are in alignment with the City Council approved work plan. 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 or a designated alternate may always attend Council meetings to present the board or commission's position to Council. The chair or designated alternate 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.
- (h) Meets with Council in a study session setting on a regular schedule at least annually.

(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.
- (c) Joins board or commission chairs in meetings with Council in a study session setting on a regular schedule at least annually, per Section 2.F.(II)(h).

G. 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 meet Ralph M. Brown Act requirements and be open to the public (with the exception of certain disciplinary review proceedings of the Personnel Board).

All board and commission meetings shall operate under *The Standard Code of Parliamentary Procedure, 4th Edition*. 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 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 member’s 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

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consecutive 12-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 the staff liaison to the board or commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair and 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;
 - vi Decision by member's supervisor in employment or required

military service; or

vii Federal and State Family leave.

(III) **Quorums**

Boards and commissions have a quorum present when a majority of their total membership is present. “Total membership” means the number of members indicated in Section 2.A (I) through (VIII); i.e., the Planning Commission has a total membership of seven.

(IV) **Majority and Abstentions**

Board and 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 their 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. The creation of an ad-hoc committee must be included on the meeting agenda to allow the board or commission to discuss and take action regarding the creation of the ad-hoc committee.

H. 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:

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- 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 Proposals.
- Provide Council a recommendation regarding the City Manager's recommended budget for content under the purview of their board or commission.

(d) Operational Issues

Upon request by staff, boards and commissions may serve as advisory bodies to staff regarding operational issues.

(II) **Specific Duties**

Boards and Commissions shall focus their work within the scope of the General Duties and Specific Duties as defined, unless conferred upon by the City Council as described in Additional Duties (Section 2.H.(III)).

(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 the 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 the Sunnyvale Municipal Code.
- 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 Transportation Development Act (TDA) Article 3 funding application cycle.
- ii Participate in periodic review and revision of the Active Transportation Plan and Bicycle Map.

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- 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 Library Trustees:
- i Review and make recommendations on the Library section within the Community Character 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.
- (d) 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 the 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.
- (e) 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 Investment Partnership Program (HOME) and/or other available funds for

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public services and/or housing projects, and make funding recommendations to the City Council in response to the proposals received.

- iii Hold public hearings on draft Housing and Urban Development (HUD) Consolidated Plans and Annual Action Plans to receive public input and provide recommendations to the City 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 City 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 issues related to housing and human services* in Sunnyvale.

*Human Services as defined by [Council Policy 5.1.3 \(Human Services\)](#)

(f) Human Relations Commission:

- i. The Commission should focus on policy issues and not interfere with City operations. Likewise, the Commission is not to be a forum for grievances from members of the public. Complaints should continue to be directed to the City Manager and Council.
- ii. Study, evaluate and advise the City Council on policies and programs related to diversity, equity, access, inclusion, justice and belonging.
- iii. Celebrate and encourage intergroup understanding of Sunnyvale's rich cultural diversity.
- iv. Promote regular, civil, and authentic engagement with diverse groups of residents.
- v. Advise on increasing accessibility and transparency of local government policies, programs and services.

(g) Parks and Recreation Commission:

- i Study, evaluate and recommend to the City Council policies relating to parks and recreation activities, such as:

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- 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 ensure good design and make recommendations to the City 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 (terminated), 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 the 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 City 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

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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 City Council on policy issues addressing sustainability goals.
 - ii. Advise City Council on how to strategically accelerate Sunnyvale's progress towards sustainability and recommend priorities, in order to promote continued regional leadership in sustainability.
 - iii. Periodically review policies governing specific practices, such as Greenhouse Gas (GHG) emissions reduction, water conservation, renewable energy, energy efficiency, waste reduction, and urban forestry. Illustrative examples include creation of infrastructure for low emission vehicles, habitat restoration and conservation, biodiversity preservation, and reduction of toxics in the waste stream.
 - iv. Advise City Council on ways to drive community awareness, education, and participation in best sustainability practices.
 - v. Review and make recommendations to City 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.

I. Interaction with City Council, Public, Staff, and other Board and Commission Members

(I) Staff Support to Board and Commissions

The City Manager shall appoint a staff liaison to support each board and

commission.

(II) **Role in Public Communication**

In addition to their role as advisors to the City Council, boards and commissions, as a body, 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, explaining City programs and recommendations, advocating established City policy and services, as well as providing a forum for public comment during public meetings.

(III) **Board and Commission Role Outside of Meetings**

(a) 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 City Council or the board or commission to do so for a particular purpose.

(b) Private.

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.

(c) Public.

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 (or their designee) shall represent the majority view of the board or commission, but may report on any minority views as well, including their 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 their 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 City 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](#)*)

(d) Board and Commission Communication and Code of Ethics. Individual opinions and positions may be expressed by board and commission

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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.

Although a board or commission may disagree with the final decision the City Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the City Council.

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](#).

- (e) Board and Commission Communication with City Council
Council shall be kept informed of the activities of boards and commissions by virtue of the board and commission minutes.

Council shall conduct regular joint meetings with Chairs and Vice Chairs per Section 2.F.(II)(h) with the intention to review and improve overall effectiveness of board and commission meetings.

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: [General Plan Policy CV- 1.3](#))

Board and commission members with individual concerns of a non-operational nature may seek guidance in any of the following ways:

- i. Consult with the board/commission chair. If possible, this is the preferred course of action.
- ii. Consult with the Mayor.
- iii. Consult with the Council Liaison to their board/commission or another Councilmember.

When a commission has questions about the commission's duties or the interpretation of Council policy, the commission may direct an inquiry to:

- i. The Mayor.
- ii. The Council Subcommittee on Boards and Commissions.
- iii. The full Council.

When sharing public correspondence with boards and commissions, staff shall be guided by the following principles:

- Facilitate communication of information on policy issues from the public to the boards and commissions
- Adhere to the law and Council policy (the two Council policies that most relate to this issue are: “Outside of official b/c meetings, individual b/c members are not authorized to represent the City or their b/c unless specifically designated by the City Council or the b/c to do so for a particular purpose”, and “Boards and commissions may serve as advisory bodies to staff regarding operational issues upon request by staff.”)
- Treat all the City’s boards and commissions equitably
- Provide all boards and commissions the information needed to do their jobs
- Avoid misleading the public
- Utilize staff time efficiently and effectively

J. 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.

K. Resignation/Completion of Term

When a board or commission member resigns from their seat, the member shall notify the Mayor in writing (email 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.

L. 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

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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 California Public Records Act. (*Source: [Code of Ethics and Conduct for Elected and Appointed Officials](#)*)

(a) Censure

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 City 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 California Public Records Act.

(b) Harassment

The City of Sunnyvale is committed to providing an environment for employees, elected or appointed officials, members of the public, or contractors that promotes dignity and respect and is free from discrimination and harassment. The City maintains a strict policy prohibiting all forms of harassment and discrimination based upon protected classifications as defined below. “Protected Classification” includes race, religious creed (including religious dress or grooming practice), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information or genetic characteristics, sex, gender, gender identity, gender expression, , pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding, sexual orientation, ethnicity, citizenship status, military and veteran status, marital status, family relationship, and age (40 and over),.

Any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved. Because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Sunnyvale encourages early reporting of concerns or complaints. Prompt reporting will better enable the City to respond, investigate if necessary, provide an appropriate remedy, and impose discipline if appropriate.

For information or to file a complaint, contact any of the following:

- The City’s Human Resources Director, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3001;
- The City’s Employee Relations Manager, located at the Department of Human Resources, 505 West Olive Ave., Suite 200; 408-730-3029;

- The City Manager, City Attorney, Assistant City Manager, Deputy City Manager, Department Directors, or other managers.

M. Investigations

When deemed warranted, the Mayor or majority of City 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 City Council. The Mayor or City 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 (e.g., 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 California Public Records Act.

It shall be the Mayor and/or the City Council’s responsibility to determine the next appropriate action. These actions include, but are not limited to the following: 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.

N. 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 board and commission member interaction with City Council, the public, staff, and/or other board

or commission members.

(VII) Violation of the Code of Ethics and Conduct

O. 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.

P. Council Liaisons to Boards and Commission

The City Council shall appoint one councilmember to serve as a council liaison to each board and commission, except for the Planning Commission and the Personnel Board. The default method of assignment shall be automatic rotation using Council District numbering, with the Mayor listed first and alphabetic ordering of boards and commissions. The Human Relations Commission default assignment shall be through a separate automatic rotation, also using Council District numbering with the Mayor listed first. Appointments shall change every six months, with the roster established annually as part of the City Council intergovernmental relations appointment process. Council may deviate from the default rotations by making alternative assignments in the appointment process. Council liaisons are encouraged to attend, monitor, advise, and witness board and commission meetings. Attendance at board or commission meetings by the council liaison is encouraged but not mandatory. Council liaisons may informally arrange for a council alternate when scheduling conflicts arise.

During a board or commission meeting, the council liaison shall serve a role similar to that of the staff liaison. The primary responsibility for providing information to board members or commissioners belongs to the staff liaison, but the council liaison may provide additional information at the request of the chair when questions fall beyond the scope of staff's expertise. The council liaison may raise points of order when procedural issues arise.

During board or commission meetings, authority resides with the board or commission chair. Council liaisons shall refrain from:

- i. Interfering with the smooth operation of board or commission meetings;
- ii. Acting in a manner that undermines the chair's authority;
- iii. Participating in policy discussions except when providing factual information at the request of the chair;
- iv. Speaking on behalf of the full Council without appropriate authority; or
- v. Acting as spokesperson for the board or commission.

When questions or concerns arise regarding the conduct of a council liaison, the chair of the board or commission should consult with the Mayor for possible resolution. When the liaison in question is the Mayor, the chair should consult with the Vice Mayor for possible resolution.

Q. Council Subcommittee

A standing subcommittee of three members of City Council shall review all bylaw revisions and other matters relating to boards and commissions. 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 Ralph M. 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); Revised by RTC 10-217 (8/31/10); Revised by RTC 10-249 (9/14/10); Revised by Resolution 458-10 (11/9/10); Revised by RTC 11-009 (1/25/11) in accordance with Council action on 12/7/10); Amended: RTC 11-184 (8/23/2011); Amended by Council action (9/13/2011); Amended by Council action (12/6/2011); Revised by RTC 12-010 (2/7/2012); Amended by Council action, Item #5 (5/15/2012); Revised by RTC 15-0401 (4/21/2015); Clarity Update 6/9/15; Revised by RTC 19-0649 (8/27/19); Revised by RTC 19-1060 (10/29/19); Revised by RTC 21-0985 (10/26/21); Revised by RTCs 22-0631 and 22-0818 (11/29/22); Revised by RTC 23-0167 (3/21/2023); Revised RTC by 24-0093 (1/9/2024); Revised by RTC 24-1070 (10/29/2024))

Lead Department: Office of the City Manager

Policy 7.3.1 Legislative Management — Goals and Policies

Goal 7.3A Assess community conditions and make appropriate changes to long-range, mid-range and short-range plans.

Policy 7.3A.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 7.3A.2 Establish advisory committees and boards and commissions as necessary to assist Council in planning and policy development.

Goal 7.3B Assure that City policy is established, documented and enacted according to established procedures and legal principles.

Policy 7.3B.1 Periodically conduct Charter reviews to recommend appropriate changes to the Charter.

Policy 7.3B.2 Maintain official records of City action and policy in a retrievable manner, according to legal convention.

Policy 7.3B.3 Prepare and update ordinances to reflect current community issues and concerns in compliance with state and federal laws.

Policy 7.3B.4 Prepare and update the Legislative Advocacy Positions as the shorter-term policies that support the General Plan and guide Council and staff on intergovernmental matters.

Policy 7.3B.5 Conduct elections in accordance with the Charter and state laws.

Goal 7.3C Participate in intergovernmental activities, including national, state and regional groups, as a means to represent the City’s interests, influence policy and legislation, and enhance awareness.

Policy 7.3C.1 Represent City policy in intergovernmental activities in accordance with adopted policy guidelines.

Goal 7.3D Maintain a quality work force, consistent with state and federal laws, City Charter, and adopted policies in order to assure that City services are provided in an effective, efficient, and high quality manner.

Policy 7.3D.1 Maintain a recruitment and selection process that ensures a highly competent workforce.

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- Policy 7.3D.2 Strive to develop a workforce that reflects the composition of the community labor force.
- Policy 7.3D.3 Train and develop employees to enhance job performance.
- Policy 7.3D.4 Assure that employees are provided timely and adequate information so that they can carry out their responsibilities and effectively communicate their concerns and ideas for improving services and conditions.
- Goal 7.3E Provide appropriate facilities and equipment in order to ensure that City employees function in a safe, effective manner.**
- Policy 7.3E.1 Maintain facilities and equipment in a clean, safe, cost-effective manner.
- Goal 7.3F Continually strive to enhance the quality, cost and customer satisfaction of service delivery.**
- Policy 7.3F.1 Provide a work environment that supports all staff in continually seeking ways to enhance the efficiency, effectiveness and quality of City services.
- Goal 7.3G Provide legal services to Council, staff and boards and commissions in order to assure compliance with state and federal laws, City Charter, and Municipal Code and ensure that City programs and policies are effectively implemented.**
- Policy 7.3G.1 Provide adequate legal counsel to support City activities.
- Goal 7.3H Provide risk management programs, exposure reduction programs and appropriate policies in order to minimize damage and liability exposure.**
- Policy 7.3H.1 Minimize liabilities, risks and damages to the extent possible, pursuant to adopted policies.
- Policy 7.3H.2 Provide adequate loss protection in a cost-effective way.
- Goal 7.3I Provide, manage and support information technology equipment and services for all City departments in the areas of communications, computing, electronic office equipment, records management, print and copy services, and mail services in response to changing governmental and technology trends in order to facilitate and enhance City operations.**

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- Policy 7.3I.1 Provide and maintain cost-effective and efficient communications systems to assist City departments in providing valuable services to the City and its citizens and businesses.
- Policy 7.3I.2 Provide, manage and maintain the City's computing resources to facilitate sharing of information.
- Policy 7.3I.3 Provide and maintain appropriate electronic office equipment and services to maximize productivity of staff.
- Policy 7.3I.4 Maintain a cost-effective and efficient records management system that meets legal requirements, assures adequate retrieval capabilities, and provides for appropriate security.
- Policy 7.3I.5 Assure that information resources, databases, and public records developed or maintained by the City are recognized as valuable and sensitive public assets, and are managed appropriately and affirmatively for the benefit of the organization and the community.
- Policy 7.3I.6 Provide cost-effective and efficient duplication services to enhance the development and production of printed information.
- Policy 7.3I.7 Provide mail services to City departments to facilitate communication and distribution of materials among departments, City facilities and the public.
- Policy 7.3I.8 Provide training for information technology equipment and services to ensure that City staff can effectively utilize the technologies available.
- Policy 7.3I.9 Provide consulting services to leverage technology in the reengineering of City business processes to realize benefits in cost-effectiveness, efficiency and improved citizen access.
- Goal 7.3J Assure that franchises that make use of public assets for commercial or private purposes are administered to provide public benefit, protect public investment, and provide revenue to the City when possible.**
- Policy 7.3J.1 Seek opportunities in partnership with utilities, other local governments, and the Legislature to improve benefits to the community as a result of franchise agreements that allow use of local public rights-of-way.

Adopted by Resolution 135-99 (4/27/99); Administrative Update (March 2012))

Lead Department: Office of the City Manager

Policy 7.3.4 Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers

POLICY PURPOSE:

The purpose of this policy is to outline the roles and responsibilities of the Mayor, Vice Mayor and Councilmembers. With the exception of 1 D., this information was previously contained in the City's [Code of Ethics and Conduct for Elected and Appointed Officials](#), but it was determined that the emphasis of that policy was not on ethical behavior or proper conduct, and that a separate policy would assist those searching for related information. With the exception of those items identified as originating from the City Charter, any of the following roles and responsibilities may be changed by a majority vote of Council. Another resource helpful in defining the roles and responsibilities of elected officials can be found in the Leadership Guide for Mayors and Councilmembers published by the League of California Cities.

POLICY STATEMENT:

1. Roles and Responsibilities of the Mayor

- A.** Acts as the official head of the City for all ceremonial purposes (Sunnyvale City Charter, Section 607).
- B.** Chairs Council meetings.
- C.** May add items to the Council agenda without Council vote.
- D.** May revise the date or time a specific agenda item appears on the Tentative Council Meeting Agenda Calendar without Council vote.
- E.** Determines, after consultation with City Manager, the location of study session meetings.
- F.** Calls for special meetings (Sunnyvale City Charter, Section 612).
- G.** Recognized as spokesperson for the City Council on City positions.
- H.** Selects substitute for City representation when Mayor cannot attend.
- I.** Makes judgment calls on proclamations, Special Orders of the Day, etc.
- J.** Recommends subcommittees as appropriate for Council approval.
- K.** May appoint "blue ribbon" committees as sees fit.
- L.** Serves as the liaison between the Council and the city manager and city attorney in regards to employee relations.
- M.** Leads the Council into an effective, cohesive working team.
- N.** Signs documents on behalf of the City.
- O.** Serves as official delegate of the City to the U.S. Conference of Mayors and other events and conferences (and receives additional travel allowance for this purpose).
- P.** Determines theme and venue for annual State of the City event.
- Q.** Reviews all mail addressed to Mayor.
- R.** May administer counseling, verbal reprimands and written warnings to board and commission members and call for investigations of board and commission member conduct.

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2. Roles and Responsibilities of the Vice Mayor

- A. Serves at the pleasure of the Council (Sunnyvale City Charter, Section 608).
- B. Performs the duties of the Mayor if the Mayor is absent or disabled (Sunnyvale City Charter, Section 608).
- C. Chairs Council meetings at the request of the Mayor.
- D. Represents the City at ceremonial functions at the request of the Mayor.
- E. Reports closed session actions at public Council meetings.
- F. Initiates routine motion for consent calendar items on the City Council agenda.

3. Roles and Responsibilities of Councilmembers

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes (which shall be determined on a random basis by the City Clerk) or public introductions, except that the Mayor and Vice Mayor shall be introduced first at public meetings and events. All Councilmembers should:

- A. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- B. Prepare in advance of Council meetings and be familiar with issues on the agenda.
- C. Represent the City at ceremonial functions at the request of the Mayor.
- D. Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers. A list of the activities of individual Councilmembers may also be submitted for public record at the option of the Councilmember.
- E. Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- F. Serve as a model of leadership and civility to the community.
- G. Inspire public confidence in Sunnyvale government.
- H. Provide contact information with the Council Executive Assistant in case an emergency or urgent situation arises while the Councilmember is out of town.
- I. Demonstrate honesty and integrity in every action and statement.
- J. Participate in scheduled activities to increase team effectiveness and review Council procedures, such as the Code of Ethics and Conduct for Elected and Appointed Officials.
- K. Make decisions that are in the interests of the entire community, hearing from residents and businesses with diverse viewpoints across the City, and giving equal consideration to issues and people inside and outside Councilmember election districts.

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- L. Fully engage regarding every issue before the City Council, regardless of which district(s) may be most directly impacted by the issue. This includes hearing all issues, without regard to which District they might reside, and acting without deference or preference to an individual Councilmember when issues are location specific.
- M. Make decisions regarding resources of the City government based on the needs of all residents and businesses in the City, and not simply in a manner that divides resources by District.
- N. Represent the entire City of Sunnyvale, including all neighborhoods in the City, and continue to work mutually as a City Council, to represent the greater good for the entire City.

4. Roles and Responsibilities of Meeting Chair

The Mayor will chair official meetings of the City Council unless the Vice Mayor or another Councilmember is designated as chair of a specific meeting.

- A. Maintains order, decorum, and the fair and equitable treatment of all speakers.
- B. Keeps discussion and questions focused on specific agenda item under consideration.
- C. Makes parliamentary rulings with advice, if requested, from the city attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the chair.

5. Former Councilmembers

Past members of the City Council who speak to the current City Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

(Adopted: RTC 09-062 (March 10, 2009); Clerical Update (January 29, 2013); Adopted: RTC 14-0387 (June 10, 2014); Clerical Update (February 24, 2022); RTC 24-0406 (May 7, 2024))

Lead Department: Office of the City Manager

Policy 7.3.5 Municipal Employee Relations Officer

POLICY STATEMENT:

The City Council of the City of Sunnyvale hereby designates the City Manager as the Municipal Employee Relations Officer pursuant to Section 2.24.25, Chapter 5 of Title II of the Sunnyvale Municipal Code, entitled “Employer-Employee Relations Code of the City of Sunnyvale.”.

(Adopted: RTC 132-71 (2/23/1971); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Office of the City Manager

Policy 7.3.6 Service Delivery Options

POLICY PURPOSE:

The purpose of this policy is to establish guidelines for considering alternative methods of service delivery, whether that be the contracting of services currently provided by in-house staff, or bringing in-house a service currently provided by contract.

The overall goal of the City of Sunnyvale is to provide high quality, effective and efficient municipal services. In part, Sunnyvale achieves this goal by:

- Maximizing responsiveness to customers through *flexible service delivery*;
- Supporting continuous improvement, quality, *cost reduction, cost avoidance, and efficiency*;
- *Exploring partnerships* with other agencies or organizations to leverage resources; and
- Ensuring the City's mission and scope of services *evolve with changing environments*.

POLICY STATEMENT

1. Commitment to Council and the Public

The premise of this policy is that competitive service delivery produces value for City residents and that either in-house or alternative service delivery methods may produce superior service value (e.g., better service at lower cost; better service at equal cost; or equal service at lower cost). Contracting, bringing a service in-house, or partnering for service provision are all tools the City may employ to provide high quality, effective and efficient municipal services.

- A. The city manager shall have authority to pursue the most effective and efficient delivery of service to the public – including the option to deliver service via City staff, by contract, or in partnership with other agencies, in accordance with all other requirements of this policy
- B. To ensure consistent quality services to the public, and in accordance with City Council's community vision, any contract entered into for outsourcing City services shall be consistent with the long term policies and goals identified in the City's General Plan and shall specify the service, service quality measures, reporting requirements, regular meetings and complaint procedures. It may also specify performance-based incentives and/or fines.
- C. Prior to any award of contract that could result in the sale or divestment of City resources (e.g., equipment, materials), the City shall consider the fiscal impacts to the City should the external contract be terminated and the City subsequently choose to resume the service, and shall consider whether a

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mechanism to preserve the resources is prudent in the event a former or new City service requiring those resources will be necessary.

- D. Prior to engaging in any service contract, the City shall exercise due diligence in an effort to do business only with vendors that it believes (see Council Resolution 315-08):
 - a. Offer employees fair wages and benefits
 - b. Comply with State and Federal Laws
 - c. Encourage open cooperation between management and labor regarding all labor issues, including neutrality towards unionization
- 2. Commitment to City Employees (above and beyond existing Civil Service Rules and Memorandum of Understanding)
 - A. The City Manager shall notify the City Council and all affected bargaining units of his/her intent to consider alternative methods of delivering a particular City service (i.e., move from contract to internal staff, enter into a partnership, or transition from internal staff to contract). If the alternative being considered could result in the separation of classified or unclassified part-time City employees, such notification shall occur in the context of the City Manager's proposed annual budget, allowing Council the opportunity to approve or reject said exploration. If Council approves exploration of such an alternative, all affected bargaining groups shall be notified at least 90 days prior to the implementation of any contract for service. The City will meet with affected labor organizations over this 90 day period to discuss possible alternatives to contracting out, and will provide to City Council its response to any such alternatives prior to any final contract or alternative being implemented. Any decision by the City Manager to recommend a transition from service delivery by internal staff to service delivery by contract shall be informed by benchmarking similar jurisdictions having contracted for said service, and their related results.
 - B. Whenever the City considers contracting a service currently provided by City staff, the affected department shall be provided the opportunity to present its own proposal or bid to continue providing that service, and shall be treated throughout the competitive process as any other proposer or bidder.
 - C. There is an intangible benefit to providing services with City staff (the vested interest of employees in working directly for the City, speedier response to City concerns, direct control of employees, etc.), as well as an added cost to delivering services by contract (contract administration). In recognition of these benefits and costs, any employee bid shall be reduced by 10% when comparing it against outside service delivery bids.

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- D. Whenever the City awards an outside contract for a service currently provided by City staff, the contract shall require that existing City staff currently performing that service be provided the right of first refusal for comparable positions employed by the new contract provider.
- E. The names of classified and unclassified part-time employees separated from employment shall be placed on a priority re-employment list consistent with the City's Administrative Policy.
- F. Any contract resulting in the separation of classified or unclassified part-time employees shall be accompanied by:
 - o The identification of any opportunities for moving employees recommended to be displaced into other City positions
 - o the identification of any other assistance available to employees recommended to be displaced (e.g., job training)
- G. No contract in excess of limits established under the City's fiscal policy shall be executed without prior Council approval

3. Commitment to Potential Service Providers

- A. The City will maintain high ethical standards and will conduct a transparent service review, evaluation, and provider selection process that avoids any actual or perceived conflict of interest. An important part of the evaluation process is creating a competitively neutral environment in which public and private bidders are given a fair and equal opportunity to compete. This process will not favor nor disadvantage any competitor in the process.
- B. In comparing costs-of-service, overhead costs will be included to the extent appropriate.

(Adopted: RTC 99-004 (1/12/1999); (Clerical/clarity update, Policy Update Project 7/2005); Amended: RTC 11-170 (8/9/2011))

Lead Department: Office of the City Manager

Policy 7.3.7 Standard Conflict of Interest Code

POLICY PURPOSE:

The purpose of this policy is to establish procedures developed in compliance with the terms of the Political Reform Act and related regulations concerning the adoption of Conflict of Interest Codes.

POLICY STATEMENT:

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730, which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference and which may be amended by the FPPC to conform to amendments in the Political Reform Act; these provisions are incorporated by reference as the City's Conflict of Interest Code. The standard Conflict of Interest Code requires a list of City positions subject to its provisions, and these are found in Appendix A. City Councilmembers, Planning Commissioners, City Managers, City Treasurers and City Attorneys are treated separately under the Political Reform Act and are not listed in the Appendix as designated employees. The persons holding positions listed in Appendix A are designated employees. Members of the Board of Building Code Appeals and the Heritage Preservation Commission also have been designated in the Conflict of Interest Code. It has been determined that these persons make or participate in making decisions which may have an effect on financial issues. The disclosure categories they must file under are set forth following the list of positions.

In accord with Government Code Section 87306.5, the Conflict of Interest Code is reviewed in even-numbered years and Appendix A is updated, if necessary.

All designated employees and certain Board and Commission members shall file Statements of Economic Interests, on forms required by the Fair Political Practices Commission, with the City Clerk no later than April 1 of each calendar year.

(Adopted: RTC 91-3CA (2/29/1991); Amended: 92-265 (6/9/1992), 94-351 (6/14/1994), 96-386 (10/1/1996), 98-326 (9/22/1998), 00-307 (9/12/2000), 02-415 (10/22/2002), 04-342 (9/28/2004); (Clerical/clarity update, Policy Update Project 7/2005), Amended: 06-326 (10/24/2006); Amended: 08-344 (11/18/2008 - Resolution No. 351-08)), 10-293 (11/9/2010 – Resolution No. 458-10), 12-249 (11/13/2012 – Resolution No. 556-12), 14-0855 (11/11/2014 – Resolution No. 673-14), 16-0323 (11/15/2016 – Resolution No. 789-16), 18-0595 (11/13/2018 – Resolution No. 905-18), 20-0778 (9/29/2020 – Resolution No. 1024-20) 21-0075 (1/12/2021 – Resolution No. 1041-21); 21-0412 (3/30/2021 – Resolution No. 1044-21); 22-0590 (9/27/2022 – Resolution No. 1146-22))

Lead Department: Office of the City Manager

COUNCIL POLICY MANUAL

Exhibit A

CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE
DESIGNATED CITY POSITIONS REQUIRED TO FILE

Position	Disclosure Category
Accountant	1
Administrative Analyst	1
Administrative Librarian	1
Administrative Services Manager	1
Affordable Housing Manager	1
Assistant City Attorney	1
Assistant City Engineer	1
Assistant City Manager	1
Assistant Director of Community Development	1
Assistant Director of Finance	1
Assistant Director of Public Works/City Engineer	1
Assistant to the City Manager	1
Assistant Planner	1
Associate Planner	1
Budget Analyst I/II	1
Budget Manager	1
Building Inspector I/II	1
Business Operations Manager	2
Business Systems Analyst	1
Buyer I/II	1
Chief Building Official	1
Chief Information Officer	1
City Clerk	1
City Property Administrator	1
Civil Engineer	1
Civilian Assistant Fire Marshal	1
Civilian Fire Marshal	1
Communications Officer	1
Community Resources Manager	1
Deputy Chief Public Safety	1
Deputy City Attorney	1
Deputy City Clerk	1
Deputy City Manager	1
Director of Community Development	1
Director of Environmental Services	1
Director of Human Resources	1
Director of Library and Recreation Services	1
Director of NOVA Workforce Services	1
Director of Public Safety	1

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Director of Public Works	1
Economic Development Manager	1
Employment Training Manager	1
Environmental Compliance Inspector	3
Environmental Engineering Coordinator	2
Environmental Programs Manager	1
Equity, Access, and Inclusion Manager	1
Finance Manager	1
Fire Protection Engineer I/II	3
Fire Protection Inspector	3
Fleet Manager	2
Golf Operations Manager	2
Hazardous Materials Inspector	3
Housing Officer	1
Housing Programs Analyst	1
Housing Programs Technician	1
Housing Specialist	1
Human Resources Analyst	1
Human Resources Manager	1
Information Technology Coordinator	1
Information Technology Manager	1
Job Seeker Services Manager	1
Laboratory/Pretreatment Manager	1
Library Circulation Manager	1
Management Analyst	1
Neighborhood Preservation Manager	1
Operations Manager: Facilities	3
Parks Manager	2
Payroll Supervisor	1
Permit Center Coordinator	1
Permit Center Manager	1
Permit Technician	1
Plan Check Engineer	1
Plan Checker I/II	1
Planning Officer	1
Principal Accountant	1
Principal Applications Analyst/Project Manager	1
Principal Buyer	1
Principal Human Resources Analyst	1
Principal Network & Systems Engineer	1
Principal Planner	1
Principal Storekeeper	1
Principal Transportation Engineer/Planner	1
Public Safety Captain	1

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Public Safety Communications Manager	1
Public Safety Records Manager	1
Public Works Construction Inspector	3
Public Works Supervisor	2
Purchasing Officer	1
Recreation Services Manager	1
Regulatory Programs Division Manager	1
Risk Manager	1
Senior Accountant	1
Senior Assistant City Attorney	1
Senior Building Inspector	1
Senior Buyer	1
Senior Construction Inspector/Coordinator	1
Senior Engineer	1
Senior Environmental Compliance Inspector	1
Senior Environmental Engineer	1
Senior Hazardous Materials Inspector	1
Senior Housing Rehabilitation Specialist	1
Senior Management Analyst	1
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic Engineer	1
Senior Transportation Engineer	1
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Programs Division Manager	1
Storekeeper I/II	1
Storekeeper/Buyer	1
Street Operations Manager	1
Superintendent of Facilities Maintenance	1
Superintendent of Libraries	1
Superintendent of Parks and Golf	1
Superintendent of Public Works Operations	1
Superintendent of Recreation Services	1
Supervising Librarian	1
Transportation and Traffic Manager	1
Urban Landscape Manager	1
Utility Billing Manager	1
Wastewater Operations Manager	1
Water and Sewer Systems Division Manager	1
Water Operations Manager	1
Water Pollution Control Maintenance Manager	1
Water Pollution Control Operations Manager	1
Water Pollution Control Plant Division Manager	1

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Youth and Family Resources Manager	1
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Newly created positions between conflict code amendments	As applicable*
Consultants	As applicable**
Retired Annuitants	As applicable***
Casual Employees performing work similar to a designated position	As applicable***
Designated appointees:	
Member, Arts Commission	1
Member, Board of Building Code Appeals	1
Member, Heritage Preservation Commission	1
Member, Housing and Human Services Commission	1
Member, Executive Director, Successor Agency Attorney, Secretary and Treasurer to Successor Agency to the Former Sunnyvale Redevelopment Successor Agency	1
Member, Executive Director, Authority Attorney, Secretary and Treasurer to Sunnyvale Financing Authority	1

<p>State Required Filers: The following positions are <u>NOT</u> covered by the code because they must file under Government Code Section 87200 and are listed for informational purposes only:</p>	
Mayor	
Councilmember	
City Attorney	
City Manager	
Director of Finance	
Member, Planning Commission	
<p>An individual holding one of the above listed positions (State Required Filers) may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.</p>	

COUNCIL POLICY MANUAL

CITY'S CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

Category 1

A designated employee in this category must report all investments, interests in real property owned in the City of Sunnyvale, sources of income including gifts, loans and travel payments, and business entities in which he or she is a director, officer, partner, trustee, employee or holds any position of management.

Category 2

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which has done business with the City of Sunnyvale within the previous two years.

Category 3

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which within the previous two years has provided services, equipment, lease space, materials or supplies to the City.

* City Clerk to work with appropriate department and City Attorney to determine appropriate disclosure category for any newly created position.

** Consultants who serve in a capacity that is the functional equivalent of a designated position shall disclose pursuant to the disclosure category required by this Code for the comparable designated staff position. The City Manager may determine in writing that a particular consultant, although serving in a capacity that is the functional equivalent of a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Consultants who serve in a capacity for which there is no equivalent designated position, and whose consulting position entails the making of governmental decisions that may foreseeably have a material effect on any financial interest of the consultant, shall disclose pursuant to Category 1. For purposes of this Code, "making a governmental decision" means to make a decision whether to: (a) approve a rate, rule, or regulation, (b) adopt or enforce a law, (c) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement, (d)

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authorize the City to enter into, modify, or renew a contract, (e) grant City approval to a contract or to the specifications for such a contract, (f) grant City approval to a plan, design, report, study, or similar item, or (g) adopt, or grant agency approval of, policies, standards, or guidelines for the City. (FPPC Regulation 18700.3.)

*** Retired annuitants and Casual employees may be included in the list of designated employees when the City Manager, or his or her designee, determines that they are performing work that is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.

Policy 7.3.8 Posting of Agendas and Procedure for Confirming Proper Posting and Notice of Meetings

POLICY PURPOSE:

The purpose of this policy is to provide procedures for the posting of agendas of all public meetings of legislative bodies, as defined in the law, in compliance with the Ralph M. Brown Act (Government Code S54950, et seq.). This policy will govern the location of posting, will formalize the public's right to speak and will provide procedures for confirming that agendas have been posted and notice of meetings given in accordance with the Act.

POLICY STATEMENT

1. The agendas or minutes of meetings shall be posted by the City Clerk or appropriate Board or Commission Liaison in the box outside the entrance to the lobby near the City Council Chambers at City Hall, and in the Sunnyvale Library, in a place freely accessible to the public as follows:
 - A. Agendas of regular meetings shall be posted at least 72 hours prior to the meeting.
 - B. Agendas of special meetings shall be posted at least 24 hours prior to any special meeting.
 - C. The minutes of any emergency meeting as defined by Government Code §54956.5 shall be posted for a continuous 10 day period as soon after the meeting as possible.
2. Notice of special meetings and emergency meetings shall be provided as follows:
 - A. Special Meetings. The Clerk or Liaison shall deliver notice of any special meeting to each member of the legislative body holding the meeting, to each local newspaper of general circulation and to any radio and television station which has requested advance notification, at least twenty-four (24) hours prior to any special meeting. The City Clerk or Board/Commission Liaison shall maintain a file of posted agendas and notices delivered prior to any meeting for a period not less than 90 days. Each agenda shall be endorsed by the Clerk or Liaison indicating the time, date, and place of posting and shall also indicate each person, newspaper, radio and television station that received notification.
 - B. Emergency Meetings. The presiding officer or designee thereof shall provide notice of any emergency meeting to each local newspaper of general circulation and each radio and television station which has requested notice at least one hour prior to any emergency meeting.

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3. Each agenda shall provide an opportunity for members of the public to address the legislative body on any matter within the jurisdiction of the legislative body subject to reasonable rules and restrictions as may be necessary under the circumstances.
4. Each agenda should state that no action will be taken on matters not appearing as agenda items unless permitted under provisions of Government Code §54954.2(b).

(Adopted: RTC 86-35CA (12/23/1986); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Office of the City Manager

Policy 7.3.10 Vice Mayor Selection

POLICY PURPOSE:

Section 608 of the City Charter provides that the City Council shall select one of its members to serve as Vice Mayor. The Vice Mayor can be removed by super majority of the total membership of the Council (five votes). The Vice Mayor serves at the pleasure of the Council. The Charter does not specify the method of selection. Section 616 of the Charter provides that the Council shall establish rules of conduct of its proceedings. This policy specifies the time and method of Vice Mayor selection. It is intended to supplement Sections 608 and 616 of the City Charter and in no way conflict with those provisions.

POLICY STATEMENT:

The City Charter provides the terms of office and certain procedural requirements for the selection and removal of the Vice Mayor, and these Charter provisions are incorporated into this policy. The City Council recognizes the need to establish an orderly process of selection of the Vice Mayor.

1. Should the Vice Mayor's office become vacant during a term for whatever reason (i.e. resignation, death, disability, Council vote), the Councilmember selected to fill the vacancy shall serve the remainder of the unexpired term.
2. Agenda for Selection of Vice Mayor
 - A. During Election Years:
 - (I) Between Election Day and the first meeting in January, Council shall schedule a study session during which Councilmembers and Councilmembers-elect shall have the opportunity to express interest in the position of Vice Mayor.
 - (II) At the first regular meeting in January, the City Council shall certify the election results following each General Municipal Election.
 - (III) The certification of the election results shall directly follow approval of minutes as a Special Order of the Day.
 - (IV) After results are certified, Councilmembers leaving office shall be excused and newly elected members shall be seated.
 - (V) The next item of business shall be selection of the Vice Mayor.
 - B. During Non-Election Years:
 - (I) Between November 1 and the first regular meeting in January, Council shall schedule a study session during which Councilmembers shall have the opportunity to express interest in the position of Vice Mayor.

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3. Nomination and Selection Process for Vice Mayor.

A. Councilmembers shall select a Vice Mayor who best exhibits the following criteria:

- (I) Leadership. The candidate has a vision for the City and clearly defined goals that other Councilmembers support. The candidate recognizes Sunnyvale's role in regional issues as well.
- (II) Executive skills. In the absence of the Mayor, the candidate can run public hearings efficiently so that as many members of the public as possible are able to provide input on Council decisions. The candidate works well with City staff but does not take direction from staff.
- (III) Integrity. The candidate maintains the highest possible ethical standards, works well with all Councilmembers, has the courage to take an unpopular position if it is best for the City, rises above petty disputes, remains calm in a crisis, and seeks recognition for the City more than personal acclaim.
- (IV) Commitment. The candidate is willing and able to devote sufficient time to the role of Vice Mayor in order to perform it properly, is supportive of the community and is supported by the community. The candidate's past actions have been for the City's benefit rather than being self-serving.

B. Nominations:

The Mayor shall ask the Council for nominations for the position of the Vice Mayor. Any of the other Councilmembers may nominate someone other than themselves (including the incumbent) for the position. The Mayor shall ask each nominated Councilmember if they are willing to serve before declaring that person nominated. If there are no nominations, the Mayor may make a nomination. When it appears that no further nominations will be made, the Mayor shall announce that the nominations are closed.

C. Candidate Statements

If more than one Councilmember has been nominated, the Mayor shall allow each nominated candidate to speak briefly on their own behalf. Nominees shall speak in the order in which they were nominated.

D. Voting:

All Councilmembers are strongly urged to be present for this vote.

- (I) Only One Candidate

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If only one Councilmember has been nominated, the Mayor shall declare that individual to be elected Vice Mayor by unanimous consent.

(II) More than One Candidate

- (a) Each Councilmember is entitled to vote for only one candidate. If more than one Councilmember has been nominated, the Mayor shall call for a vote of the first one nominated. If that candidate has received four or more votes, the Mayor shall declare that candidate elected and the voting concluded. If not, the Mayor shall call for a vote for the second candidate in the same manner. The candidate receiving four or more votes shall be declared the Vice Mayor.
- (b) In the case of a tie, a vote shall be held among all Councilmembers and the Mayor to break the tie. For example, in the case of three candidates, if candidate A gets three votes, candidate B gets two votes, and candidate C gets two votes, all Councilmembers and the Mayor vote on Candidates B and C. If candidate C gets the most votes, the final vote will be held between Candidates A and C.
- (c) The election process shall continue until one candidate has at least four votes and is declared to be elected.

E. Public Record for Ballots Cast

The City Clerk shall announce all votes cast by each Councilmember for the record. The votes of each Councilmember shall be included in the minutes of the meeting.

4. Mid-Term Vacancies.

If the Vice Mayor position becomes vacant during the course of the Vice Mayor's term, the City Clerk shall place an agenda item to select a new Vice Mayor on the agenda of the meeting when such vacancy is declared to exist.

(Adopted: RTC 81-602 (10/6/1981); Amended: 87-593 (11/10/1987), 95-165 (5/16/1995), 96-041 (2/27/1996); (Clerical/clarity update, Policy Update Project 7/2005); New Policy Adopted 12/11/2007; Amended 4/27/2010; Clarity Update based on 1/6/15 Council Meeting); Amended: RTC 20-0872 (12/8/20); Amended: RTC 23-1087 (11/28/23)

Lead Department: Office of the City Manager

Policy 7.3.11 Seating Arrangements/City Council

POLICY PURPOSE:

Section 613 of the Charter provides that the City Council shall establish rules for the conduct of its proceedings. It is the purpose of this policy to establish a process to determine the seating arrangement of Councilmembers at Council meetings.

POLICY STATEMENT:

1. Seating of Mayor

The Mayor shall be seated in the center seat. Should the Mayor be absent, the Vice Mayor will assume the Mayor's seat.

2. Seating of the Vice Mayor

The Vice Mayor shall be seated to either side of the Mayor, with the vice Mayor receiving preference for obtaining the seat.

3. Councilmember Seating

A. When Determined: Seating arrangements will be determined as the last item of business at a meeting during which a mayor and/or vice mayor is selected.

B. How Determined: Councilmembers shall select where they wish to sit on the basis of length of continuous time of service on the City Council. The selection process shall be in the order of most senior to least senior. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.

(Adopted: RTC 81-602 (10/6/1981); Amended: 84-673 (11/6/1984), 85-554 (11/12/1985), 87-590 (11/10/1987), 88-701 (11/29/1988), 89-729 (11/14/1989), 91-522 (11/12/1991), 05-357 (11/29/05))

Lead Department: Office of the City Manager

Policy 7.3.13 Support for Councilmembers; Staff-Council Communications

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers, including staff assistance and communications, as well as supplies, travel and expense allowances. This policy is supplementary to and in no way is intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

- I. Equipment, Material, and Supplies. Certain supplies and materials are required by Councilmembers to discharge their functions. The City Manager shall make available to Councilmembers the following materials and supplies when requested, which shall be used predominantly for City business and only incidentally for personal use:
 - A. A key card programmed to access City Hall and a key to the Council conference room to be returned when a Councilmember leaves office.
 - B. One file cabinet per four-year term, to be returned to or purchased from the City at market rate when a Councilmember leaves office.
 - C. Customary office supplies and business cards for official City use. Individual Councilmembers shall have the choice of business cards with an embossed seal (white only) or color seal (non-embossed). Councilmembers shall not use business cards which do not reflect their official position or title (i.e., Mayor, Vice Mayor, or Councilmember) at the time of use.
 - D. A technology allowance in the amount of \$1,300 per Councilmember per four-year term for the purchase of equipment including, but not limited to, a personal computer, printer, laptop, personal digital assistant (PDA), answering machine, cell phone or fax. Equipment purchased with this allowance shall be consistent with standard City issue, or approved by the Director of Information Technology, and shall be returned to or purchased from the City at market rate when a Councilmember leaves office. An amount not to exceed \$60 per month (non-taxable) shall be reimbursed for monthly service charges for equipment purchased under this policy. Public Record Act and Brown Act issues are associated with the use of these types of equipment. To the extent the equipment is used for the performance of official City business, much of the data contained in the equipment is public property and a public record.
 - E. Newly elected and incumbent Councilmembers shall receive one City shirt per Council term year, style to be chosen by individual Councilmembers from standard choices available. Newly elected Councilmembers will receive their first shirt in January following the certification of election results. A request for style preference will be sent

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to newly elected and incumbent Councilmembers in December from the Executive Assistant to the City Council in preparation of ordering shirts for the next calendar year.

II. Staff Assistance. It is recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City Charter places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Councilmembers to direct the activities of City staff. The following policies regarding staff assistance are established to comply with the City Charter and meet the staffing needs of Councilmembers (see Code of Conduct and Code of Ethics for additional guidance):

A. Councilmember Inquiries and Requests for Information

1. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day. A request for information, records, written work or analysis by City staff with support work of up to one (1) hour will be provided. Requests over one hour must be approved by the Council. The City Manager can authorize a deviation from this policy if he/she determines that the request needs to be filled before the Council next meets.
2. Routine Requests for Information and Inquiries. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis by City staff (e.g., "What are the library's hours of operation?") or "How does one reserve a tee time at the golf course?". Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information *not routinely requested by the general public* so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?"). Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers the requested information.
4. Non-routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?" or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The City

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Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate, and affected Department Heads.

5. Questions Regarding Reports to Council. Councilmembers should forward any questions regarding staff “Reports to Council” at least 24 hours in advance of the Council meeting for which that item is agendaized. During Council meetings, any questions from Council having to do with non-agenda items shall be directed to the City Manager for follow-up.
 6. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.
 7. Restricted Information. Under certain circumstances, requests for information regarding operations or personnel may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for employees in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of personnel information and records.
- B. Administrative Assistance. In order to effectively discharge the responsibilities of elected officials, the Mayor and Councilmembers are entitled to receive the following administrative services. The City Manager shall assign a person or persons to provide these administrative services and shall so advise the City Council.
1. Preparation of correspondence relating to official City business within the resource restraints of the adopted budget (see section II. E. below).
 2. Assistance shall be provided to Councilmembers in arranging for meetings to be held in City facilities. Normal scheduling methods shall be used. The Executive Assistant to the City Council is responsible for making arrangements for City Councilmember meetings to be held in City facilities. This provision does not apply to regular or special City Council meetings (which are coordinated through the City Clerk’s Office). Staff shall not provide support or use any City resources for political campaigns.
 3. Assistance in securing single copies of official records will be provided.

COUNCIL POLICY MANUAL

4. Council Calendar. A calendar of general Council activities is maintained for Council by the Executive Assistant to the City Council. Councilmembers are notified of upcoming City events to determine their respective interests and arrangements are made accordingly. This calendar is not comprehensive of every individual activity of each Councilmember. The CAC is available to Council online at all times and is updated at least once each day the Executive Assistant to the City Council is at work.
5. City Council Mail and AnswerPoint Email. The Mayor shall have the option of opening his/her own mail. If he/she chooses to have staff open his/her mail, all mail not marked confidential or personal shall be opened daily and date stamped by the Executive Assistant to the City Council, reviewed by the City Manager, and delivered to the Mayor's office. Copies of letters to the Mayor are also copied to Council Files maintained by the Executive Assistant to the City Council. Mail for Council, unless marked confidential or personal, is opened, date stamped, and placed in Council mailboxes daily by the Executive Assistant to the City Council.

Emails from both Council and Mayor AnswerPoints are reviewed by the Executive Assistant to the City Council and forwarded to Councilmembers , copying the City Manager, Assistant City Manager, and affected Department Heads. These emails are also copied to Council Files (See Admin Policy Chapter 1, Article 17, for more information on how to respond to "Customer Concerns and Inquiries").

Council packets are delivered generally twice a week to Councilmembers. Councilmembers receive a Council packet on the dais at each Tuesday night's Council meeting. If there is no Council meeting on Tuesday, the Tuesday packet is held over until Thursday delivery unless there are urgent mail items. Council packets are also delivered to Councilmembers' homes each Thursday evening along with Council binders for the next Tuesday's Council meeting. If a holiday falls on a Thursday, packets are delivered the day before the holiday(s) occur. Packets include a current copy of the Council Calendar. With the exception of the two deliveries noted above, and/or emergencies as defined by the City Manager, Councilmembers are to deliver and retrieve their own mail and materials to and from City Hall.

6. Council Files. The purpose of the Council Files is to provide a reference for Councilmembers and the public of written information that has been submitted to Council either by regular or electronic mail. The Council Files contain information of a general interest to the Council. The Files are maintained by the Council Executive Assistant, and all items three years or older are automatically purged from the Files. The Council Files are available for inspection to any interested person during regular business hours.

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7. Mayor's Correspondence File. The purpose of the Mayor's Correspondence File is to provide a reference for Councilmembers and the public of written correspondence signed by the Mayor.
8. Council Announcements and Official Council Recognition of Individuals, Organizations and/or Events shall be prepared upon request of the Mayor (for more detail, please see Council Policy 7.3.20, Council Resolutions, Proclamations, Certificates and Letter of Public Recognition.) The Executive Assistant to the City Council coordinates the preparation and scheduling (with the City Clerk's Office when in connection with a Council meeting) of all Council Announcements and official Council recognitions of individuals, organizations and/or events. All Council Announcements should be forwarded to the Executive Assistant to the City Council at least one week prior to the Council meeting.

C. Intergovernmental (IGR) Support.

1. Staff Support for Council IGR Assignments. Staff assistance shall be provided to Councilmembers serving on intergovernmental bodies when the Council has approved the appointments of a member to that body, or in the case when the Council is not the approving body, if the Council has consented to that member sitting on that body (see Council Policy, 7.3.12 regarding the City Council Appointments to Intergovernmental Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces). Unless officially approved by the Council, no staff support shall be provided once a Councilmember leaves City office. The City's Intergovernmental Relations (IGR) Program is coordinated within the Office of the City Manager. The Office of the City Manager is responsible for assisting Council with applications for IGR committees, determining levels of staff support, presenting Reports to Council to ratify IGR appointments, and maintaining the Council IGR committee database.

For purposes of this policy, intergovernmental bodies are broadly defined to include committees of intergovernmental agencies or organizations. Staff support shall be consistent with the following guidelines:

- a. Assignments will be made by the City Manager.
- b. If the intergovernmental body has its own professional staff, such staff should be utilized to the greatest practical extent, rather than City staff.
- c. Assigned staff shall meet with newly assigned Councilmembers regarding the expected level of support. A form will be provided to reflect the agreed upon level of support with appropriate signatures. This form is updated at a Councilmember's request, or upon a change in assignment.

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- d. Staff shall request that the Councilmember be placed on the committee's mailing list to receive all required information.
 - e. Assigned City staff shall not attend the intergovernmental meeting unless the Councilmember requests such attendance from the City Manager, and the Manager approves.
 - f. The primary responsibility of assigned staff is to review issues before the intergovernmental body as they may affect the City, and to advise and assist the Councilmember in presenting issues before the full Council. Staff is encouraged to communicate with Council in writing to avoid miscommunication. IGR information provided to Council shall be consistent with adopted City policies (consider General Plan Sub-elements, adopted legislative advocacy positions, or past Council practice).
 - g. In the absence of adopted policy, staff should determine whether the issue is significant enough to warrant a Council adopted position. If so, the City Manager should be notified in a timely manner so that the issue can be placed on a Council agenda.
 - h. Councilmembers shall not direct staff to conduct major research. Major research shall occur only upon the direction of the City Manager.
 - i. As directed by the City Manager, assigned staff may prepare formal IGR correspondence on behalf of Councilmembers only on issues arising from a Councilmember's IGR committee assignment. Always copy the originating department Director, City Manager and IGR Officer on all IGR-related correspondence (For more detail on IGR advocacy correspondence, see Section E: "Correspondence Preparation").
 - j. Council may provide updates on their IGR assignments during the Council Updates on Intergovernmental Activities section of the Council agenda.
2. Legislative Briefings. Staff prepares briefing reports for Councilmembers attending conferences and meetings as directed by the City Manager. Such reports include up-to-date information on the issues at hand. When the subject is to be discussed with specific legislators, their position (if known on the matter) should be included in the report.
3. Legislative Advocacy Positions. Each year the City Manager shall present for Council's consideration draft Legislative Advocacy Positions. Once approved by City Council, these "advocacy positions" become the official City advocacy position on pending legislation. During the year, staff monitors and researches pending legislation to identify bills that could significantly impact Sunnyvale.

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Research actions range from web site research to contacting legislative analysts in government offices and city associations. Staff may also conduct limited advocacy should issues arise throughout the year that significantly impact the City, and if Council positions have previously been established by the LAP. Upon request, staff may contact staff of federal, state or county electeds or officials to perform advocacy on legislation or issues that may significantly impact the City of Sunnyvale and for which existing City policy exists.

Councilmembers or staff wishing to take a position on a legislative issue must first determine whether an official City position already exists. If unsure, Councilmembers should consult the City Manager who will direct a staff search of existing policies. If a City position already exists, the Mayor is the official spokesperson for the City. Councilmembers must not express conflicting opinions unless they clearly identify the City's official position and clarify that theirs is a minority viewpoint in conflict with the City's position. If an official City position does not already exist, the Councilmember must first decide whether or not the issue warrants being agendized for Council consideration. If so desired, the Councilmember should alert the Mayor and the City Manager, who will agendize the issue for future Council consideration. Staff will prepare a Report to Council discussing the pending legislation and providing a staff recommendation to either support, oppose or take no position regarding the legislation.

When representing the City on an intergovernmental committee, Councilmembers must vote in accordance with the official City position on an issue, regardless of the Councilmember's individual position.

4. Ballot Measure Positions

As soon as possible following the release of the Secretary of State's *Official Voter Information Guide (Guide)* or the Santa Clara County Registrar of Voter's *Voter Information Pamphlet (Pamphlet)*, staff will present to Council a report reviewing proposed ballot measures. (Should Council want to review proposed ballot measures prior to the release of the *Guide* or *Pamphlet*, Council should request such a review of the city manager; in this instance, the report will most likely not include staff analysis.)

Staff shall provide analysis and a position recommendation of only those ballot measures that directly impact City business. Consistent with Council Policy 7.3.2, *Legislative Advocacy Positions*, City business is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success. All measures deemed not City business will be presented via the same report for potential Council Action, however, will not include staff analysis. If staff is unclear about whether a specific measure affects City business staff shall consult the Mayor and Vice Mayor with an initial review of the measures and a proposed designation of City business or not City business.

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Any ballot measure issue that is already covered by City policy will include a citation and summary of that policy. Ballot measure issues which are not covered by existing policy will include staff analysis of potential impacts to City operations or fiscal impacts.

D. Ceremonial Events and Speech Preparation.

1. Ceremonial Events. Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.
2. Council-initiated Speeches. Councilmembers are entitled to staff assistance for speech preparation for apolitical City-related events and programs or to support Council-approved actions or advocacy positions. Such assistance shall be requested of the City Manager for purposes of assigning appropriate staff assistance. Requests should be made at least two weeks in advance of the presentation. An outline of issues to be covered as well as available supporting material is to be provided by the requesting Councilmember. A draft of the speech will be provided to the Councilmember for final review at least three days prior to the presentation.
3. Department-initiated Speeches. Departments initiating the preparation of speeches for Councilmembers shall first obtain direction and approval from the City Manager. Departments shall either prepare such speeches themselves, or submit a request to the Communications Office at least two weeks prior to the scheduled presentation.

E. Correspondence Preparation.

The Mayor or his/her designee shall sign all correspondence on behalf of the entire Council. All correspondence in which the City takes a position on a piece of legislation or issue shall be signed by the Mayor with a copy placed in the Mayor's Correspondence File (accessible to all Councilmembers for review). Before routing to the Mayor for signature, all correspondence in which the City takes a position on a piece of legislation or issue must be approved by the department director. City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and IGR Officer shall be copied on all IGR-related correspondence.

All correspondence conveying thanks or appreciation on behalf of the entire City Council shall be signed by the Mayor. This does not preclude individual

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Councilmembers from creating their own personal correspondence. However, a Councilmember may not request, nor use City resources in the preparation of personal correspondence or correspondence to political organizations in support or pursuit of a political office, or in support of someone else's pursuit of a political office.

Staff will not prepare correspondence representing a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If Councilmembers use their title, position, or City letterhead to express a personal opinion, the official City position must be stated clearly so the audience understands the difference between the official City position and the minor viewpoint of the Councilmember. (See Code of Conduct for Elected Officials for more information). A copy of any and all correspondence developed by or for a councilmember on City letterhead shall be provided to the Office of the City Manager for filing.

The City Manager is responsible for assigning appropriate staff to assist the City Council in the preparation of correspondence. Assigned staff prepares correspondence for signature and submits it to the Executive Assistant to the Mayor and Council for coordination of the Mayor/Councilmember's signature. Unless the Mayor/Councilmember determines that revision(s) to the document are required, signed correspondence is returned by the Executive Assistant to the preparer for mailing, distribution, and filing with their department. Copies of all correspondence signed by the Mayor or Council are maintained in the Council Files by the Executive Assistant and are open to public inspection during normal business hours.

The Mayor or his/her designee shall make all advocacy telephone calls in cases when the City takes a position on a piece of legislation or issue and when a telephone call is deemed the most effective means of advocacy. Brief talking points may be prepared/coordinated by department IGR Liaisons that include: Specific information regarding who to call including name, title, and phone number(s); applicable existing City policy that supports taking an advocacy position; and a couple of brief talking points that include the specific action requested. Just as in the case of written IGR advocacy correspondence and before being routed to the Mayor, all telephone talking points in which the City takes a position on a piece of legislation or issue must be approved by the department director. A copy of all telephone talking points in which the City takes a position on a piece of legislation or issue shall be placed in the Mayor's Correspondence File (accessible to all Councilmembers for review). City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and IGR Officer shall be copied on all IGR-related correspondence.

- F. Technical Support. Technical support to maintain and facilitate the use of equipment is limited to that required for official duties. Support will only be provided for equipment purchased in accordance with section I.E. of this policy, and only at the same level as is provided to City employees. Councilmembers must bring equipment to City facilities for repair or on-site maintenance.

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G. Receiving and Responding to Community Member Inquiries and Concerns (For more detail, see Administrative Policy Manual, Chapter 1, Article 17: “Customer Inquiries and Concerns”)

All non-emergency community member inquiries and concerns *dealing with the administrative or operational affairs of the City* which are received by Council (whether at home or at the City) shall be routed to the City Manager and appropriate Department Head(s) for information and follow-up. Staff shall respond to the inquiry or complaint, most often in the same form it was received (i.e., letter, email, phone). Any community concern initially directed to Council shall be tracked by staff with resolution copied to the City Manager and copied to Council Files by the Executive Assistant to Council, thereby ensuring that the same information is made available for review by all members of Council.

All community member concerns or inquiries *dealing with Council policy* should be routed to the Mayor and Council for consideration and follow up, with a copy to the City Manager, City Attorney, and affected Department Heads. Copies of communications related to items on Council’s upcoming agenda shall be included whenever possible in the agenda packets prepared for Council prior to the public hearing.

Inquiries concerning any City incident or operation shall not be answered until it is safe and practical to do so, and at such time as it will not jeopardize staff response to the incident or operation.

Staff shall make every effort to acknowledge (simply confirm receipt of) customer contacts the same day they are received. Acknowledgement of concerns received by letter shall be mailed within 3 business days.

If staff cannot respond (provide an answer) to a customer within five working days of initial contact, an interim reply shall be provided which:

- Acknowledges receipt;
- Briefly explains the reason a complete response cannot be provided at this time; and
- Identifies a reasonable time frame when a response will be sent.

A complete follow-up response should not exceed ten working days from the date of initial contact.

If responding to a customer will exceed ten working days, staff shall continue to communicate with the customer, and shall continue to identify reasonable time frames when follow-up responses will be provided.

H. Council Travel and Conferences.

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Authorized Travel and Conferences. Councilmember attendance at conferences and meetings can be both beneficial and cost effective to the City. Attendance for one or more of the following reasons, would be viewed as an extension of official City responsibilities. Councilmembers may attend conferences and meetings that meet one or more of the following purposes, subject to individual budget limitations and prior Mayoral approval:

1. Voting Delegate: The City is usually requested to designate an official delegate from among the Council who will cast the City's vote and represent the City's position on business presented before a conference delegation.
2. Committee Membership: Councilmembers may choose to serve on local, state and national committees which provide the opportunity to represent state or City interest in key policy and legislative areas. Meetings are often held in conjunction with annual conferences as a means of saving cost and encouraging wider attendance.
3. Education: Most conferences are workshops and seminars, which are used to brief Councilmembers on key legislation, policies or programs impacting local government.
4. Advocacy: A conference environment offers Councilmembers the opportunity to articulate the City's position on key legislation and funding policies with key elected/appointed officials on both the state and federal levels.
5. Sharing of City's Expertise: Sunnyvale is widely viewed nationally and internationally as a model in local government management. Sunnyvale Councilmembers may on occasion be invited to present papers or presentations to a conference or workshop with the goal of improving the efficiency and performance of government in general.
6. Affiliations. Each year the Council will assess the benefit of City membership in the following organizations which have traditionally been identified as providing support and service to local governments:
 - The National League of Cities (NLC)
 - U.S. Conference of Mayors (USCM)
 - League of California Cities (LCC, including Peninsula Division meetings)
 - Association of Bay Area Governments (ABAG)
 - Santa Clara County Cities Association (SCCCA)
7. Conferences. The following conferences and meetings are approved for inclusion by Councilmembers in the annual Council Travel Budget Proposal cited in Section D:
 - Annual Meeting (NLC)
 - Congressional Cities Conference (NLC)

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- Annual Conference (USCM)
- Mid-Winter Meeting (USCM)
- Annual Conference (LCC)
- Annual Executive Forum (LCC)
- New Councilmembers Conference (LCC)¹
- Bi-Annual Legislative Conference (LCC)
- General Assemblies (ABAG)
- General membership meetings of the Santa Clara County Cities Association
- Committee/board meetings of NLC and LCC²
- Conferences that are of obvious benefit to the City
- Councilmember has been invited to present a City/State position
- Councilmember is lobbying on behalf of a City/State program
- Conferences that provide professional development for Councilmembers in carrying out official City responsibilities

Unauthorized travel and/or conferences

Any travel or conference attendance not specifically listed above shall be considered unauthorized unless approved in advance by the Mayor. No travel or conference attendance shall be authorized for functions designed for political campaigning or fund-raising.

Budget. The cost of the proposed travel shall be established by approval of the annual budget by Council. As a reference, the Council has approved \$6,675 per Councilmember for FY 13/14; the Mayor is to receive an additional \$6,675 for travel associated with Mayoral duties.

Since Councilmember terms do not coincide with the fiscal year, Councilmember budgets must be prorated. The percentage of travel funds allocated to outgoing Councilmembers will be determined by staff and based on the scheduled dates of annual conferences, including those mentioned above, plus any unspent funds originally allocated to the outgoing Councilmembers' respective seats. The Mayor's budget will be allocated similarly.

Each Councilmember will be provided with an update of his/her travel expenses compared to the budget on a monthly basis by the Executive Assistant to Council. In addition, the Mayor (who authorizes payment of expenses) will also receive the same information on each Councilmember's expenditures. The Executive Assistant to Council shall inform the Mayor and the City Manager when any Councilmember's budget is close to being overdrawn.

¹ Newly elected Councilmembers may attend only.

² Once a Councilmember has obtained Council approval to travel to meetings of a specific NLC or LCC Committee, the Councilmember has authority to fulfill these travel commitments through his/her committee tenure, subject to individual budget limitations. The Councilmember is not required to obtain Council approval annually under this circumstance.

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Councilmembers are not to exceed authorized amounts budgeted for travel. Any and all travel expenses in excess of a Councilmember's approved budget shall be reimbursed to the City by the Councilmember.

Mid-year increases in travel budgets are discouraged and generally will be considered only if Councilmembers can demonstrate that additional amounts are for unforeseen expenses that could not be anticipated prior to the initial adoption of the annual travel budget. However, it is not always possible to anticipate all the future plans of every organization or group. As such, there are two ways for a Councilmember to increase his/her approved travel budget:

First, the adopted travel budget can be amended on a case-by-case basis during the fiscal year by approval of the City Council at a public meeting. Councilmembers desiring an increase in their annual travel budget shall provide an estimate of the additional amounts prior to actual travel or expenditure of funds. Justifications for the budget increase also shall be included with the request for additional funds. All increases in travel budgets must be approved by a majority vote of the full Council prior to actual travel or expenditure of additional funds.

Second, Councilmembers may choose at any time to relinquish a portion of their unspent travel budget to another Councilmember. Any Councilmember wishing to do so shall notify the Executive Assistant to Council and the City Manager in writing. Otherwise, the remaining balance of unspent funds at the end of the fiscal year shall return to the General Fund.

Any carryover of Council travel budgets from one fiscal year to the next shall require the approval of the Council during the annual carryover process in the fall.

Travel Arrangements

Unless Councilmember's opt to book their own travel, the Executive Assistant to the City Council makes arrangements for City Council travel including registrations, transportation and lodging, travel advance requests, and travel cash advances (if requested by the Councilmember).

Travel Information Packet

The Executive Assistant to the Council prepares a travel information packet for each Councilmember traveling. The packet contains either originals of or copies (if already submitted to Councilmember) of the following:

- Transportation ticket
- Hotel reservation
- Conference registration material
- Travel advance funds (if requested)

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- Detailed itinerary
- Issue papers, as appropriate
- 10 lapel pins for exchange
- Expense report forms

Travel and Conference Expenses

The Charter provides for payment of actual and necessary expenses incurred by Councilmembers when on official duty on order of the City Council. In furtherance of this Charter provision, the following guidelines are established.

Expense statements submitted by Councilmembers are processed by the Executive Assistant to the City Council and submitted to the Department of Finance, including any refunds of non-expended funds. The Mayor's signature is required as approval of Council expense statements. The Vice-Mayor approves the Mayor's expense statements. Councilmembers traveling at City expense to conferences and committee meetings of National League of California Cities, U.S. Conference of Mayors, and the League of California Cities when appropriate may submit a written activity report to the entire Council. The written activity report shall be submitted at the same time the expense statement is submitted.

- a. Expenses Reimbursed. Expenses will be paid by the City for conferences, conventions, meetings, workshops, seminars, activities and the like on the following basis:
 - i. Registration fees, if any, shall be paid directly by the City in advance.
 - ii. Transportation.
 - (A) Conferences or meetings outside of the San Francisco Bay Area:
 - (1) Air travel expense shall be paid by the City in advance on the basis of the most direct route to the site, at coach rates, provided such accommodations are reasonably available.
 - (2) Transportation to and from the airport shall be by the most practical and efficient means available.
 - (3) Rental vehicles may be used for business purposes at the destination subject to the following:
 - (a) no other reasonable transportation is available

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- (b) taxi fare would exceed the cost of the rental vehicle
 - (4) The expense of driving a personal automobile shall be paid by the City on the following basis:
 - (a) if air transportation is reasonably available, payment shall be limited to the cost of coach air fare
 - (b) if such air transportation is not reasonably available, payment shall be made on the basis of the established City rate per mile
 - (B) Local conferences, meetings or activities:
 - (1) Councilmembers shall be reimbursed for use of their personal vehicles at the established City rate per mile while on official City business, which includes, but is not limited to the following:
 - (a) authorized attendance at any conference, meeting, convention, workshop or seminar
 - (b) attendance at assigned intergovernmental meetings
 - (c) travel within the City regarding official City business
 - (C) Councilmembers shall be reimbursed for all incidental expenses such as bridge tolls and parking fees incurred as the result of a Councilmembers authorized use of a vehicle while on City business.
- iii. Lodging.

The City will pay in advance the amount necessary to reserve a hotel room. The Councilmember may either pay the remainder of the hotel bill in its entirety or the City will pay such bill upon receipt from the hotel. In the latter case, if nonreimbursable items appear on the bill, the Councilmember shall pay for the same promptly upon return to the City.

Hotel accommodations will be at the hotel serving as the official host site of the conference, where reasonably possible.

Additional charges arising from the sharing of a room with a spouse or guest are not reimbursable.

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iv. Meals.

Expenses incurred for meals by any Councilmember while on official duty shall be paid by the City, including but not limited to the following instances:

Meals while attending any conference, meeting, workshop, seminar or convention; or

Meals occurring during a local conference, meeting, workshop, seminar or convention; or

Meals hosted by Council members for the purpose of discussing City business; or

Where a meal is part of an activity which the Councilmember is attending in his or her official capacity.

Alcoholic beverages consumed by the Councilmember shall be considered a personal expense and are not reimbursable. If the entire Council invites a guest to a meal, the guest's alcohol shall be paid for by the City.

There shall be no cap on the amount allowed to be spent on meals by Councilmembers, but the City shall pay only for those expenses for which receipts are submitted.

v. Phone calls. Reimbursement shall be made for reasonable long distance or toll telephone charges for calls related to City business. The City shall pay for one personal phone call per day during Councilmember travel requiring overnight stay. If the Councilmember uses a personal cell phone for that call, the City shall reimburse the Councilmember.

b. Expenses Not Reimbursed. The City will not pay personal expenses. In addition to those items identified as personal expenses throughout this policy (e.g., alcohol consumed by a Councilmember), personal expenses include in-room movies, spas and gyms, laundry or dry cleaning, miscellaneous sundries, or other items of a personal nature.

Personal travel shall not be mixed with business travel if it will cost the City anything in dollars or lost time or if it will harm the City's interest in any way. All additional costs incurred by the Councilmember that are over and above the normal cost for City travel shall be considered a personal expense of the Councilmember. The City will not pay for any expenses of a spouse or other person who accompanies a Councilmember on business travel.

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The City shall not pay for any unauthorized travel or conference-related expenses.

To the extent that another agency or organization pays for the travel or conference expenses of a Councilmember, the City shall not pay for those same expenses. Councilmembers shall either submit the other agency's payment to the City (in which case the City shall pay for the Councilmember's entire expenses), or refrain from claiming expenses for that portion of his/her expenses paid for by the other agency.

Consistent with the City's practice and policy to procure goods and services at the lowest possible cost, the City shall not pay for travel related expenses that could be procured at less expense through another means.

- c. Miscellaneous Expenses. Expenses not specifically covered hereunder shall be paid by the City when such expenses are incurred in the performance of City business. In determining whether such expenses were necessarily incurred in the performance of City business, the applicable Internal Revenue Service publication number 463 and the regulations of allowable deductions for business expenses may be considered as authority. The preceding sentence shall not be interpreted to require the substantiation or documentation required pursuant to said Act or regulations, as the subject of documentation is treated elsewhere in these guidelines.
- d. Reporting of Expenses.
 - i. Statements of expense shall be submitted to the Director of Finance on forms provided for such purpose. The statement shall show all expenses incurred which are chargeable to the City.
 - ii. Documentation. Hard copy receipts shall be required for all expenses, including air travel, lodging, meals and rental vehicles.
 - iii. Statements of expenses for conferences, that include all expenses incurred, shall be submitted to the Executive Assistant to the City Council no later than 21 days after return from a conference or meeting, so that they can be forwarded to the Director of Finance no later than 30 days after return. Statements of expenses incurred for local meetings or activities should be submitted within 30 days of the time such expense was incurred; provided, however, that statements of expense for local mileage should be submitted monthly. Statements submitted after the dates specified shall be received and claims based thereon be paid if in order.
 - iv. Review of Statements of Expense. The Mayor shall review and approve statements of expense for the Vice-Mayor and all other Councilmembers, and the Vice-Mayor shall review and approve statements of expense of

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the Mayor for compliance with these guidelines, provided, however, that neither the Mayor nor the Vice-Mayor shall be responsible for reviewing statements for arithmetical correctness.

- v. For multiple Council meals paid for by a single Councilmember, the total expense for the meal shall be submitted on the expense report of the Councilmember who paid, along with a written breakdown of amounts to be charged to the budgets of other Councilmembers.
- vi. When Councilmembers attend a group dinner where the individual cost of each meal is unavailable, the Mayor shall determine a fair and equitable method of distributing the charges among the various Councilmembers in attendance. The City may pay for meals of official guests of the Council. Costs for meals of guests invited by a single Councilmember shall be charged to the individual Councilmember's budget. The cost of meals, including alcohol, for guests invited by the Mayor or four or more Councilmembers will be paid by the City out of the Council program budget but need not be charged to any Councilmember's travel budget.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: RTC 85-411 (8/20/1985); Amended 94-133 (3/19/1994), 96-054 (2/27/1996), 97-084 (3/25/1997), 02-094 (3/19/2002), [No RTC, Council subcommittee report] (5/14/2002), Amended RTC 04-153 (5/4/2004), (former Policy 7.3.13, "City Council Guidelines and Standards Relating to Secretarial Assistance, Supplies, Travel, and Expenses" was incorporated into this policy as part of the Policy Update Project 11/2005); Amended: [No RTC] (4/17/06); Updated for clarity (7/5/06); Updated for clarity (8/30/2006); Amended RTC 06-376 (11/28/2006); Amended RTC 08-029 (1/29/08); Updated for clarity (9/15/2008); Amended RTC 09-036 (2/3/2009); Updated for clarity (3/3/09); Amended RTC 09-168 (6/23/09 FY 09/10 Budget Adoption); Amended RTC 10-142 (5/25/10); Amended RTC 12-120 (5/15/12); Adopted: RTC 12-156 (6/19/12); Amended: Council Motion, Budget Workshop (5/23/2013); Updated for clarity (6/26/13))

Lead Department: Office of the City Manager

Policy 7.3.15 Appointment of Interim Councilmembers

POLICY PURPOSE:

The purpose of this policy is to promote transparency in the provision of a clear process for the City Council to appoint an interim Councilmember to serve on a temporary basis when a Councilmember is called to active military service. This policy is intended to provide processes in compliance with California Military and Veteran's Code Section 395.8.

POLICY STATEMENT:

1. In the event an absence from office is anticipated when a Councilmember must enter upon active military service pursuant to California Military and Veteran's Code, the City Council may appoint an interim Councilmember to serve until the discharge or release and return of the member who has been called to duty.
2. If City Council decides to make an interim appointment, it shall follow the process outlined in Sunnyvale Municipal Code Section 2.30.030 (Public Process for City Council Appointments).

((Adopted: RTC #10-222 (August 31, 2010); Amended: RTC #19-0438 (April 4, 2019); RTC #22-0810 (September 13, 2022))

Lead Department: Office of the City Manager



CITY OF SUNNYVALE
APPLICATION / QUESTIONNAIRE FOR CANDIDATES FOR
APPOINTMENT AS INTERIM COUNCIL MEMBER

The City supports its demographic diversity and encourages
applicants from all groups to apply.

Please print or type answers to all questions. Write N/A if not applicable.

Office Use Only
Dates: Received:
Voter Registration
Checked:
20 Signatures Confirmed:
Form 700 filed:

General eligibility requirements: To qualify as a candidate for Interim City Council Member, a person must be 18 years of age, a Sunnyvale resident and must be a registered voter of the City. For more information, please contact the Office of the City Clerk at 408-730-7483, TDD 408-730-7501 or visit our website at Sunnyvale.ca.gov.

1. Applicant Name: Last First

M.I.
2. Current Residence Street City State

Zip
Mailing Address: Street City State
(If different from above)
Zip

E-mail Address:

3. Phone Number: (Home) (Work) (Cell)

4. How long have you been a resident of Sunnyvale?

5. Are you a currently-registered voter in Sunnyvale? When was the last time you voted?
Month Year

6. Do you have previous experience as a City Council Member?
If yes, how much? Terms served

7. Are you currently serving or have you served on a City of Sunnyvale board or commission?
If yes, which one? Term currently serving
Term previously served

8. Why do you want to serve as an Interim Council Member?

9. What skills or attributes can you bring to the City?

10. Why are you the best candidate to serve as Interim Council Member?

11. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve the City.

12. Briefly describe your current or last occupation.

13. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

14. Describe your involvement in community activities, volunteer and civic organizations. **Do not list party affiliation, memberships or activities in partisan political organizations.**

15. The City has a Code of Ethics and Conduct for Elected and Appointed Officials and attendance requirements that elected and appointed members are required to follow. Do you have any concerns in these two areas? If so, please describe.

Please Note: Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the interview process. Should you require special accommodations, please contact the Office of the City Clerk at 408-730-7483 at least five days in advance of your scheduled interview.

IMPORTANT NOTICE

A City Council member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's Web site and the City's official roster – Personnel contact information will be redacted.

City Council Members and Candidates for Elective Office are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the Office of the City Clerk or by visiting www.fppc.ca.gov.

I certify under penalty of perjury that all statements I have made on this application / questionnaire are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application / questionnaire will be cause for refusal of appointment.

THIS APPLICATION / QUESTIONNAIRE AND A STATEMENT OF ECONOMIC INTERESTS (FORM 700) MUST BE SIGNED, DATED AND RETURNED PRIOR TO THE DEADLINE SET BY COUNCIL.

Signature of Applicant

Date

Please return to: Office of the City Clerk, 603 All America Way, P.O. Box 3707, Sunnyvale, CA 94088-3707

Policy 7.3.19 Council Meetings

POLICY PURPOSE:

The purpose of this policy is to outline Council-established policies relative to Council meetings. Council has underscored the importance of community input and citizen engagement in the conduct of City business, and the critical role of City Council meetings in this effort.

POLICY STATEMENT:

Placing Items on the Agenda

Items may be placed on the agenda by the Mayor, a majority of a quorum of the Council, or by the City Manager. The order in which items appear on the agenda shall be determined by the City Manager and approved by the Mayor.

Colleagues Memorandum

- A group of two or three Councilmembers may prepare a brief colleagues memorandum outlining a request to create a future agenda item for the Council to consider at an upcoming Council meeting.
- Councilmembers shall submit colleagues memorandums directly to the City Manager.
- Colleagues memorandums are not to be shared with Councilmembers outside of the group who authored a specific memorandum.
- Memorandums shall not exceed two (2) pages and shall be focused on the need for a future agenda item without advocating for or against the merits of the agenda item being requested.
- The City Manager will review and approve the Colleague Memorandums consistent with this policy and the Ralph M. Brown Act (open meetings law) or provide feedback to the authors.
- The City Manager will schedule the approved colleagues memorandum for the next available Council agenda.
- Completed colleagues memorandums will be included under the Non-Agenda Items & Comments portion of the Council meeting agenda for Council action.
- A colleagues memorandum is not required to request an agenda item be added to a future agenda.

Public Noticing of Council Meeting Agendas

Every effort shall be made to publicly notice Council meeting agendas for regularly scheduled meetings five days in advance of the meeting (on Thursday preceding a Tuesday meeting). At a minimum, Council meeting agendas for regularly scheduled meetings shall be noticed three days in advance of the meeting.

Distribution of Council Meeting Materials

Every effort shall be made to publicly distribute all approved reports to Council (both online and hard copies) five days in advance of Council meetings (e.g., on Thursdays preceding Tuesday Council meetings). Hard copies should be made available at the Library and the City Clerk's Office.

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When possible, Reports to Council should be distributed earlier than five days in advance whenever finalized and approved by the City Manager in advance of their due date.

When possible, Study Issues and Reports to Council with Planning Commission advisory action should be made available online at least seven days prior to the date the item appears on the Council agenda, and Utility Rate reports should be posted online at least 14 days in advance of a Council hearing (every effort shall be made to distribute hard copies of these reports five days in advance, like any other report).

Start and Ending Times

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions as his/her discretion.

Council has adopted a resolution providing that Regular Council meetings will start at 7:00 p.m. (Resolution No. 141-04.)

Limiting late night meetings is intended to encourage public participation. Council will not begin hearing any new item after 11:30 p.m. unless, by a majority vote of those present, it agrees to do so. A separate vote must be taken for each matter to be considered after 11:30 p.m.

Notwithstanding the above, Council will not begin hearing any of the following agenda items: Councilmembers Reports on Activities from Intergovernmental Committee Assignments, Non-Agenda Items and Comments and Information Only Reports/Items, unless by a single motion it agrees to do so.

Council will need a supermajority vote to start a new item after 12:30 a.m. For purposes of this rule, a supermajority shall mean one more vote than a simple majority (for example, if seven members are present a supermajority is five; if five members are present a supermajority is four).

No new items or other Council business will be introduced after 1:30 a.m.

Any item on an agenda for a regular meeting which must be continued due to the late hour, shall be continued to a date certain.

Study sessions will start no earlier than 5 p.m. on dates when regular Council meetings are held, except that the Mayor may schedule earlier sessions at his/her discretion.

Meeting Protocol

Meetings will be chaired and presided over by the Mayor, who shall be guided by The Standard Code of Parliamentary Procedure (Sturgis), as modified by any policy, rule or procedure adopted by the Council, or as otherwise required by law, and the City's Code of Ethics and Conduct for Elected and Appointed Officials. The City Attorney shall serve as advisory parliamentarian to the Mayor. Any ruling by the Mayor that is challenged and seconded may be overruled by a majority vote of the Council.

Meeting Minutes

Minutes of general meetings shall be prepared and approved in accordance with parliamentary

COUNCIL POLICY MANUAL

procedure (Sturgis). In general, they shall be a record of all actions and proceedings, but not a record of discussion. No Councilmember shall have views or protests on a motion recorded in the minutes unless a motion permitting such action is passed by majority vote. Adverse criticism of Councilmembers or staff should never be included except in the form of a motion censuring or reprimanding a member. Praise should appear only in the form of officially adopted votes of thanks, gratitude, or commendation.

Minutes of special meetings shall be prepared in similar fashion.

There shall be no minutes for closed sessions.

Minutes of Council Sub-committees shall generally be brief, but in some cases may be more detailed than those of general meetings as they often serve as the basis for the committee's report and subsequent Council action.

(Adopted: RTC 04-410 (11/20/2004); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); RTC 12-233 (10/2/2012); RTC 17-0798 (8/22/17); RTC 22-0019 (1/4/2022); RTC 22-0035 (12/6/2022); RTC 23-0518 (5/16/2023); RTC 24-0001 (1/9/2024)

Lead Department: Office of the City Manager

Policy 7.3.20 Council Recognition of Individuals, Organizations and/or Events

POLICY PURPOSE:

This policy is designed to establish consistent criteria and procedures for official Council recognition of individuals, organizations, and/or events and to recognize the contributions and donations to the City from individuals, groups and organizations.

POLICY STATEMENT:

It is the policy of the City to recognize noteworthy contributions, donations and achievements of individuals and organizations through resolutions, proclamations, certificates, letters, and plaques in accordance with the criteria contained in this policy, and at the discretion of the Mayor or the City Council where noted. These forms of recognition are not intended for partisan, commercial or narrow individual purposes; as such purposes are inconsistent with the overall policies of the City Council.

1. Formal Resolutions

A formal Resolution of recognition or appreciation is the highest Council honor reserved for individuals and organizations that have made extraordinary, lasting, and significant contributions to the community.

All requests for Resolutions should be directed to the Mayor's office for review. Formal resolutions are approved only by action of the City Council at a Council meeting in the following manner: In the form of a motion, the City Council will direct the City Attorney to prepare a formal Resolution. Approved Resolutions will be numbered, logged, signed by the Mayor and the City Clerk, with a copy maintained in the City Clerk's records.

At the discretion of the Mayor and Council, the Resolution may be prepared for signature by all members of the City Council for presentation to the honored individual or organization. The Mayor shall determine whether the presentation should be made at a Council meeting. If presented at a Council meeting, the Mayor and/or his/her designee shall make the presentation under "Special Orders of the Day."

2. Proclamations (Ceremonial Resolutions)

Proclamations are also reserved for accomplishments and/or events of significant importance to the Sunnyvale community. Proclamations (Ceremonial Resolutions) are less formal than official Resolutions of the City Council. They do not require formal vote or action by the Council at a Council meeting, are prepared by the Executive Admin to Council, not by the City Attorney, and are

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not numbered and filed by the City Clerk. Proclamations are used for various forms of recognition, including:

- A. Recognition of individuals and organizations whose contributions and achievements have community-wide significance;
- B. Recognition of Sunnyvale residents on the occasion of their 100th birthday;
- C. To call public attention to a significant community event, service or program;
- D. To highlight a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

All requests for Proclamations or Resolutions should be directed to the Mayor's office for review. Proclamations will be issued at the discretion of the Mayor, but may be requested by individual Councilmembers through the Mayor. A copy of each Proclamation is maintained by the Executive Assistant to Council.

The Mayor shall determine whether a proclamation is signed by only the Mayor, or by the entire Council, and whether or not it is appropriate to present the proclamation at a Council meeting or other venue. If presented at a Council meeting, the Mayor and/or his/her designee shall make the presentation under "Special Orders of the Day." If no venue is designated, a Proclamation may be mailed to the recipient.

3. Certificates of Recognition

A Certificate of Recognition is similar in appearance to a proclamation, but is less formal. Certificates of Recognition are used to acknowledge individual or group achievement or contributions to the community, or to recognize a noteworthy event or occasion. Certificates of Recognition also are prepared for outgoing members of City Boards and Commissions, and for Sunnyvale residents on the occasion of their 90th and 95th birthdays. All certificates are signed by the Mayor only.

Certificates of Recognition on behalf of the entire Council do not require Council approval and are issued at the discretion of the Mayor. Individual Councilmembers may request through the Mayor that Certificates be prepared and issued. Certificates will be prepared and filed by the Executive Assistant to Council, with the following exception: Certificates of Recognition for outgoing members of City Boards and Commissions are prepared and filed by the City Clerk.

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At the discretion of the Mayor, Mayoral letters of commendation, appreciation, congratulation, recognition, support, or greeting may be prepared on behalf of the entire Council as an alternative to Certificates of Recognition. Such letters may be used for inclusion in community event programs such as sports tournaments, service club or business organization events, and conferences held in the community. Letters shall be signed by the Mayor only, and the Mayor shall determine whether it is appropriate to present a Certificate of Recognition at a Council meeting or other venue. (Nothing in this policy shall prohibit individual Councilmembers from preparing individual notes of appreciation or congratulations to others. In this case, however, no staff support shall be provided and no presentation shall be made at a Council meeting). If presented at a Council meeting, the Mayor and/or his/her designee shall make the presentation under “Special Orders of the Day.” If no venue is designated, the Certificate may be mailed to the recipient.

4. Letters of Memoriam

A Letter of Memoriam is a short personal note approved by the Mayor, prepared by the City Clerk, and signed by the full City Council in memoriam of an individual who has made a significant contribution to the Sunnyvale community. The Mayor shall determine whether it is appropriate to present a Letter of Memoriam at a Council meeting. It is customary that Council meetings closed in honor of deceased community members be accompanied by letters of memoriam. Following the Council meeting, the letter of memoriam is delivered to family surviving the deceased community member, and a copy is filed with the Clerk’s Office.

5. Recognition Plaques

Frequently, requests are made to have plaques placed on buildings, sidewalks, benches, trees, or other public places for various reasons (e.g., in memoriam). City policy is to recognize donations of items and contributions to the Community by individuals or groups with a plaque or other appropriate permanent identification based on the following tiered approach:

Donation	Award
\$1 — \$5,000 Donation	A letter from the City Department Director in receipt of the donated gift.
\$5,001 — \$10,000 Donation	A certificate of appreciation from the Mayor recognizing the donation to the City.
\$10,001 — \$20,000 Donation	A plaque (approximately 8x10 inches in size) from the City to the donor recognizing the donation.

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Donation	Award
Donations of \$20,001 and above, and significant contributions of volunteer time to the Community	The citizen or group offering a donation of more than \$20,000; and the significant contribution of volunteer time by an individual, group or organization will be recognized with a plaque or other suitable recognition in an appropriate location, if desired.

In addition to the above, the City Manager has the discretion to publicly recognize smaller donations (such as park benches) with an appropriately sized and located plaque. This would be for cases where there is a discrete item donated that lends itself to a small plaque or marker. In these cases, the plaque or marker would be no larger than 3x5 inches and would simply include the name, occasion and date. The Library’s program in which bookplates are inserted into books donated in honor or memory of people in the community is an example of this policy. The full cost of any such recognition is to be borne by the donor.

For those donations (\$20,001 and above), and other significant contributions to the Community qualifying for plaques or recognition staff would present a report to the Council suggesting the size, placement and wording of any commemorative plaque, with input from the relevant board or commission. The donor and/or requesting organization or group would be consulted as part of the staff recommendation. It is possible that something other than a simple plaque, such as a donor wall, could be an appropriate recognition. A “donor wall” would be a way to recognize multiple contributions of more than \$20,000 for a related donation on one plaque or display.

If the item donated and/or the recognition of an individual’s or group’s contributions to the Community does not fall within the jurisdiction of a board or commission, staff would make a recommendation straight to the Council. The City Council has the final authority on all plaques or permanent recognition on public property valued at more than \$20,000.

The cost for designing, producing, installing and maintaining a plaque or other recognition qualifying at the \$20,001 and above level, including the recognition of an individual’s or group’s contributions to the Community would be the responsibility of the beneficiary department. If a plaque or recognition is for something that is no longer in use (for example, a bench that has been destroyed or a building demolished), the department would not be responsible for replacing or maintaining the recognition item in perpetuity. Council will have the discretion to give additional appropriate recognition for extraordinarily large or serial donations.

6. Naming Facilities or Components of Facilities in Recognition of the Contributions of an Individual, Group or Organization shall be the responsibility of the City

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Council as provided by Council policy addressing the naming/renaming of Parks and Recreation facilities.

[Section 1-4: Adopted: RTC 91-111 (3/19/1991); (Clerical/clarity update, Policy Update Project 10/2005)]

[Section 5: Adopted: RTC 85-362 (7/16/1985); Amended: RTC 00-142 (5/16/2000); (Clerical/clarity update, Policy Update Project (7/2005); (Amended: RTC 06-259 (8/8/2006) – incorporated from Council Policy 7.3.22)]

[Section 6: Adopted: RTC 06-259 (8/8/2006)]

Lead Department: Office of the City Manager

Policy 7.3.21 Recognition of Elected and Appointed Officials and Visiting Dignitaries

POLICY PURPOSE:

This policy is designed to establish procedures for formal recognition of Councilmembers, Mayors, Board and Commission members, and visiting dignitaries.

POLICY STATEMENT:

1. City Council

- A. Written communications which acknowledge or recognize City councilmembers (including, but not limited to, City letterhead stationery, Council meeting minutes, news releases and media requests, public information flyers, event invitations, Quarterly Reports, City plaques, General Plan Sub-Elements) shall list those members in the following order: Mayor, followed by Vice Mayor, followed by remaining councilmembers in order of seniority. Seniority shall be designated by the length of continuous service on the Council. Should two members have equal seniority, the councilmember who received more votes in the most recent election would be determined to have the higher seniority.
- B. For public introductions, the Mayor shall be introduced first, then the Vice Mayor, followed by Councilmembers in random order.
- C. Councilmembers: Outgoing Councilmembers will be presented with a plaque commemorating his or her service to the City, and a memento(s) of appreciation selected by the Councilmember. The total cost of the memento(s) shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time.
- D. Mayor: Councilmembers completing a term as Mayor will be presented with a plaque commemorating his or her service as Mayor, and a memento(s) of appreciation. The total cost of the memento(s) shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time.

2. Boards and Commissions

An annual event to recognize the service of all Board and Commission members, as well as citizens serving on special ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing Board and Commission members 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.

3. Official City Souvenirs

- A. Visiting Dignitaries: The City Council recognizes that gifts to visiting dignitaries are an appropriate method of commemorating certain occasions. At the discretion of the Mayor or City Manager, visiting dignitaries will be presented with an official City souvenir, appropriate to each dignitary's level of office.
- B. Councilmembers Visiting Other Jurisdictions: Mayors and Councilmembers who visit dignitaries in other cities and countries on official City business may, at their discretion, present an official City souvenir, to the dignitary visited. Appropriateness of these gifts will be determined by the Office of the City Manager.
- C. Visiting delegates or tour groups may be presented with official City souvenirs, at the discretion of the Office of the City Manager. Councilmembers with requests for souvenirs for specific visiting groups should coordinate such requests through the Office of the City Manager.
- D. Requests for Souvenirs: All requests, both internal and external, for official City souvenirs will be handled through the Office of the City Manager, and souvenirs will be provided as appropriate.

(Adopted: [No RTC, Council Motion] (8/2/1982); Amended: RTC 00-096 (3/28/2000); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); Amended: RTC 08-113 (4/8/08); Amended: Council Motion, Budget Workshop (5/23/2013))

Lead Department: Office of the City Manager

Policy 7.3.22 Dedication Plaques for Public Buildings

POLICY PURPOSE:

The purpose of this policy is to establish guidelines on the layout of plaques for the dedication of buildings on City property-

POLICY STATEMENT:

Dedication Plaques for Public Buildings

When buildings are dedicated or remodeled through the use of public funds, it is traditional practice to have a plaque installed dedicating the building. When such plaques are desired, the inscription on such plaques shall be limited to:

1. Facility name;
2. An inscription of dedication, if appropriate;
3. The date of dedication;
4. The names of seven Councilmembers in office at the time of dedication, plus the names of the Councilmembers in office since the project was budgeted¹;
5. The title of the Mayor and Vice Mayor at the time of dedication;
6. The name of the City Manager;
7. The name of the appropriate Department Director. If the plaque is for the dedication of major remodeling or expansion of a facility and a previous plaque(s) existed, those plaques will be retained and appropriately displayed in the facility.

(Adopted: RTC 85-362 (7/16/1985); Amended: RTC 00-142 (5/16/2000); (Clerical/clarity update, Policy Update Project 7/2005); Amended: RTC 06-259 (8//8/2006); Administrative update (March 2012))

Lead Department: Department of Library and Community Services

¹ In this context budgeted means the Council which approved the one-year budget which officially commences a project, even though it may have been planned earlier in the 10-year Resource Allocation Plan.

Policy 7.3.23 Naming/Renaming Parks & Recreation Facilities

POLICY PURPOSE:

The purpose of this policy is to provide the process and responsibility for naming or renaming City Parks and Recreation facilities.

POLICY STATEMENT:

Naming Parks and Recreation facilities shall be the responsibility of the City Council. Any name considerations will first be reviewed by the Parks and Recreation Commission who will make a recommendation to the City Council for naming or renaming any park and recreation facility. The following criteria will be utilized in naming Parks and Recreation facilities:

The majority of City parks presently have the name of the planning district in which they are located. Any new parks should follow the same pattern, if possible. Where this is not possible, the following criteria will be given consideration in naming a park or facility within a park:

1. Greatest consideration should be given to a name that has historical significance to the City of Sunnyvale or is in some other way associated with a Sunnyvale event, historical feature, or other community-related action.
2. Where open space has been purchased that was formerly school property or adjoined a school, and the name of the school has community significance or community recognition, consideration of the school name should be given in naming the park.
3. Naming a park for a specific individual will only be considered if that individual has made a significant contribution to the City of Sunnyvale. Names honoring individuals or families of living persons must be supported by compelling reasons.
4. Other name considerations will only be considered if one of the three above criteria does not provide a suitable name.
5. Facilities within a park which have not otherwise been named by Council may be provided identification signs by staff, limited to either the word “Sunnyvale” or the Park’s official name, followed by a generic description of the facility. (e.g. “Las Palmas Dog Park” or “Sunnyvale Skatepark”).

(Adopted: RTC 83-295 (7/5/1983); (Amended: RTC 05-284 (10/18/2005); (Clerical/clarity update, Policy Update Project 11/2005); Administrative update (March 2012))

Lead Department: Department of Library and Community Services

Policy 7.3.24 International Friendly Exchange Relations

POLICY PURPOSE:

The purpose of this policy is to provide guidelines for the City's limited international relations program.

POLICY STATEMENT:

Exchanges with foreign municipalities may lead to increased global cooperation at the community/municipal level, promotion of cultural and educational exchanges, and fostering of community and economic development.

Friendly exchange relations create a reciprocal relationship between entities. This type of relationship exists in order to share experiences between the City of Sunnyvale and other selected cities in the world. These relationships involve an exchange of ideas and information between various components of a community including elected officials, government employees, and community members.

1. The purpose of Sunnyvale's friendly exchange relations with foreign cities is to:
 - A. Create opportunities for community members to experience and learn from other cultures;
 - B. Strengthen Sunnyvale's economic development;
 - C. Stimulate a culturally aware environment in which Sunnyvale and its partner city(ies) can creatively learn, work, and solve problems;
 - D. Collaborate with municipalities in other countries with similar goals; and
 - E. Promote information exchanges on the economy, trade, science and technology, culture, education, health, environmental protection, etc. in order to promote common prosperity and quality of life.
2. A proposed friendly exchange relations agreement shall only be entered into when there is a clearly defined benefit to the City of Sunnyvale and/or the community.
3. Any proposed agreement must be approved by Council action prior to enactment and signature. Any agreement entered into without such approval shall be considered void.
4. Any proposed agreement must include an opportunity for the City of Sunnyvale to terminate the agreement, in whole or in part, when such action is deemed to be in the City's best interest.
5. Funding budgeted for friendly exchange relations shall be limited to:

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- A. The cost for visitors' gifts and staff time, for the purpose of coordinating meetings for visiting dignitaries with Council and staff, and securing appropriate City facilities for such meetings.
 - B. Any staff time outside of those hours budgeted by Council must be authorized in advance by the City Manager. Due to limited City resources, the City Manager has the authority to limit new agreements and/or exchanges based on staff capacity.
 - C. Any costs outside of those budgeted by the City, including costs for travel, meals, tours, tickets, accommodations, etc., shall be borne by the visiting dignitaries.
- 6. A maximum of five relationships may be in effect at any given time, with no more than three relationships based in the same country. Should an additional relationship be considered, Council action would include direction on which of the existing relationships to terminate.
- 7. The City Manager shall have full authority to develop and implement any administrative policies and practices deemed necessary to support the implementation of friendly exchange relations agreements. Potential international visitors pursuing an exchange with the City will need to comply with all administrative procedures and deadlines.
- 8. Any proposed friendly exchange relations with specific cities must be documented by a Memorandum of Understanding between both cities. The Memorandum of Understanding must be signed by the mayors of both cities, or their delegates, in order to be valid. The proposed Memorandum of Understanding shall include the following three provisions:
 - A. Adhering to the principle of equality and mutual benefit, both cities may initiate various information sharing opportunities and exchanges in terms of the economy, trade, science and technology, culture, education, health, environmental protection, etc. in order to promote common prosperity and quality of life.
 - B. Leaders and relevant departments of both cities may keep in regular contact for the convenience of discussion and consultation on various issues of mutual interest.
 - C. This Memorandum of Understanding may be terminated, in whole or in part, when such action is deemed by either city to be in its best interest.
- 9. Each Memorandum of Understanding will automatically sunset three years from date of enactment. Staff will notify Council in advance of the sunset date via the city manager's weekly report and, if Council expresses potential interest in renewing the agreement, staff will analyze the value of the relationship to the City (activity, costs, benefits) in a brief report to Council.

10. Sample Memorandum of Understanding

**FRIENDLY EXCHANGE RELATIONS AGREEMENT
between [CITY, COUNTRY]
and SUNNYVALE, UNITED STATES OF AMERICA**

[City, Country], and Sunnyvale, the United States of America, wish to enhance the understanding and friendship between two cities, and agree to establish friendly exchange relations through friendly consultations as follows:

1. Adhering to the principle of equality and mutual benefit, both cities may initiate various information sharing opportunities and exchanges in terms of the economy, trade, science and technology, culture, education, health, environmental protection, etc. in order to promote common prosperity and quality of life.
2. Leaders and relevant departments of both cities may keep in regular contact for the convenience of discussion and consultation on various issues of mutual interest.
3. This friendly exchange relations agreement is signed in [*location – city, state, country*], on this [*date*] and shall take effect from the day that the Agreement has been signed by both sides.
4. This friendly exchange relations agreement is executed in [*foreign city's primary language*] and English in duplicate.
5. This friendly exchange relations agreement may be terminated, in whole or in part, when such action is deemed by either city to be in its best interest. The City of Sunnyvale shall consider this agreement expired three years from the date of enactment.

City of [city], [*foreign country*]

[Name], Mayor

City of Sunnyvale, the United States of America

[Name], Mayor

(Adopted: RTC 03-097 (April 1, 2003); Revised RTC 07-215 (July 17, 2007))

Lead Department: Office of the City Manager

Policy 7.3.25 Expenditure of Public Funds for Bottled Water

POLICY PURPOSE:

The purpose of this policy is to generally prohibit the purchase of single-serving bottled water, with limited exceptions, and to limit the purchase of multi-serving bottled water to those City facility locations where no feasible or reasonable alternative exists as required by law. This policy is also meant to encourage environmentally responsible practices, such as reusing and maintaining reusable containers for personal consumption of water.

POLICY STATEMENT:

The process by which bottled water is produced and consumed creates significant environmental impacts. By limiting the amount of bottled water purchases in favor of ample, quality tap water, the City demonstrates its commitment to environmental sustainability and sound fiscal policy, and shows confidence in its water supply resources. It is therefore the policy of the Sunnyvale City Council that no public funds should be used for the purchase of single-serving or multi-serving bottled water, other than the following exceptions:

1. Actual, imminent or highly probable/high risk public safety emergencies.
2. To comply with any governmental regulations for the provision of potable water in adequate supply.
3. Any other situations that arise where no other reasonable or practical alternative exists, as deemed necessary by the City Manager or his/her designee (such as offsite training as necessary or recreation/sports programs for children).

Nothing in this policy is intended to preclude employee-funded water clubs, or any bottled water purchased from any source using private funds. However, employees and City representatives are encouraged to use environmentally responsible practices for the personal consumption of water.

(Adopted: RTC #08-261, August 26, 2008)

Lead Department: Finance

Policy 7.3.26 Study Issues Process

POLICY PURPOSE:

One of Council's primary roles is to establish City policy. It does so by creating new policies and revising/deleting old policies by majority vote. Council's time is limited, however, as is the number of policies it is able to consider in any given year. The study issues process provides a method for identifying, prioritizing and analyzing policy issues in an efficient and effective way. It provides a structured approach for addressing the large number of policy issues that are raised and considered by Council for study each year.

It is the purpose of this policy to identify those aspects of the City's Study Issue process for which Council has established required standards. Those aspects of the City's Study Issue not addressed by this policy are considered administrative or operational in nature, and shall be established under the authority of the city manager.

POLICY STATEMENT:

1. Study Issue Sponsorship

A Council sponsored study issue must receive the support of at least two councilmembers in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop.

2. Selection of Issues for Study

Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.

3. Deadlines for Councilmember-Proposed Study Issues

- A.** New Council-proposed study issue topics are due to the city manager no later than three weeks in advance of the annual study issues workshop. If the public hearing is held less than three weeks before the workshop, councilmembers may also sponsor issues *introduced by the public* at the public hearing, but must do so during that Council meeting.
- B.** Any Council-generated study issues proposed later than three weeks in advance of the annual workshop, with the exception of those sponsored under A. above, shall be considered in the next year's study issues process.

4. Drop or Deferral of Issues

- A. At the Study Issues Workshop, Council shall drop, defer, or rank in priority order each proposed study issue. Any issue that is dropped by a majority vote of Council will not be eligible for consideration at the next year's Workshop unless sponsored by a majority of the Council. Any issue that is deferred shall automatically be returned for Council's consideration the following year.

5. Sub-Element Revisions

Unless adjusted by a majority of Council, Sub-Elements of the City's General Plan shall be revised according to the schedule of revisions depicted in the Council-approved Capital Improvement Project Plan included in the City's ten year budget. As each sub-element is reviewed and updated, pending policy issues are addressed, resulting in fewer policy-related study issues being generated and proposed for Council consideration each year. Sub-element revisions shall not be ranked by Council during the study issues ranking process.

6. Ranking Method

Council shall vote utilizing a combination of *Forced Ranking* (for departments with ten or fewer issues to rank) and *Choice Ranking* (for departments with eleven or more issues to rank) for ranking study issues at the annual workshop. Specifically,

- **Forced Ranking** (for ranking ten or fewer issues) – Councilmembers individually and simultaneously rank each issue that was not deferred or dropped. Ranking are from “1” to the total number of issues, with “1” representing the highest priority issue for study. Each number can be used only one (no ties) and each issue must receive a ranking.
- **Choice Ranking** (for ranking eleven or more issue) – The total number of items to be ranked (after deferring or dropping issues) is divided by three and each Councilmember is given the resulting number of votes (rounding up). For example, if there are twelve issues, each Councilmember will receive four votes. Councilmembers allocate their votes, one each, to their highest priority issues. Some issues will receive votes and others may not. A tally is made of votes received for each issue. Two-way ties between issues are resolved by quick hand votes of the Council. The final ranking is determined by the number of votes received.

This method shall also be utilized by boards/commissions when ranking study issues for Council consideration.

7. Number of Study Issues Conducted Each Year

Following Council's determination of study issue priorities, the city manager shall advise Council of staff's capacity for completing ranked issues. Council reserves the right to expand that capacity by increasing budgeted resources.

(Adopted: RTC #08-180 (June 24, 2008); Amended: RTC #08-344 (December 2, 2008); Amended: RTC #10-017 (January 26, 2010))

Lead Department: Office of the City Manager

Policy 7.3.27 NASA Ames / Moffett Field Complex

POLICY PURPOSE:

The purpose of this policy is to provide direction on the City's policies and positions as they relate to NASA Ames and Moffett Field.

POLICY STATEMENT:

1. Support NASA/Ames as the lead tenant of the Moffett Complex and steward of a federal, limited-use airfield.
2. Support ongoing cooperation between the City of Sunnyvale, the City of Mountain View and NASA/Ames, including developing and partnering with current or potential tenants, and working on the following areas of partnership:
 - A. California Air and Space Center.
 - B. Support the University Affiliated Research Center at the NASA Research Park.
 - C. Support the university partnerships at the NASA Research Park to meet future workforce needs of Sunnyvale businesses through internship programs, onsite continuing education and the development of new education curricula to support emerging technologies.
 - D. Support the development of the NASA Research Park as an incubator of emerging industry business start-ups and new products for existing industry clusters: Astrobiology, Biotechnology, Information technology, and Nanotechnology.
3. Support ancillary and limited use of a government airfield for tenants of a government facility.
4. The City of Sunnyvale (and the City of Mountain View) will be the lead local government agencies to examine the issues related to alternative land uses at the Ames/Moffett Federal Complex. Oppose efforts that would allow non-contiguous jurisdictions to determine future uses.
5. Oppose commercial aviation, general aviation and air cargo at Moffett Federal Airfield.
6. Provide support to NASA as the lead agency in analysis and development of alternative uses, recognizing that NASA and the federal government are the

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ultimate decision-makers on implementation of feasible uses and future decisions related to Moffett Federal Complex.

7. Participate in any regional or other discussions and decisions (including legislation or administrative action) on potential uses of NASA Ames/Moffett Federal Complex, including any aviation uses.
8. Support efforts to remove Moffett Field as a reliever airport for San Jose International Airport and from the Regional Airport System Plan.
9. Support adequate funding for NASA programs that strengthen the overall research and development programs at the NASA Ames/Moffett Federal Complex.
10. Support safety policies and procedures, for removing and/or storing ordnance from the Moffett complex, that ensure the protection of surrounding populations and the environment.
11. Support efforts to utilize assets at the Moffett Federal Complex in the national effort to combat weapons of mass destruction.
12. Support efforts to maintain the 129th Rescue Wing [or similar military presence] at Moffett Federal Airfield. Oppose relocation efforts.
13. Support the use of Federal funds to clean and restore Hangar One at Moffett Field so that it is habitable and code-compliant.
14. Support collaborative efforts to enhance emergency preparedness planning, coordination and disaster mitigation, particularly to the extent any such effort can be located at the Moffett Federal Complex and/or compliment the tenants at Moffett.

((Adopted: RTC #09-046 (February 24, 2009))

Lead Department: Office of the City Manager

For reference, see also: none

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Policy 7.3.29

Council Labor Negotiations Guidelines

BACKGROUND

Collective bargaining is governed by the Meyers-Milias-Brown Act (MMBA); the City of Sunnyvale's Administrative Policy Manual Chapter 3, Article 9 on Employer-Employee Relations; and the Sunnyvale Municipal Code (SMC) Chapter 2.24 on Employer-Employee Relations Code. The City Council by Resolution 132-71 on February 23, 1971 designated the City Manager as the Municipal Employee Relations Officer (MERO) and the City's principal representative in all matters of employer-employee relations. The MERO is authorized to delegate these duties and responsibilities to other management representatives.

Pursuant to the Meyers-Milias-Brown Act, the City has a right to insist that contract negotiations take place at the bargaining table between the designated representatives of the City and the designated representatives of the various bargaining unit employees. Members of the City Council shall not negotiate with the employee representatives. Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith and not to bypass the negotiation teams.

As used in this policy, "negotiate" means to meet and confer with another to endeavor to reach agreement on matters within the scope of representation.

POLICY PURPOSE:

Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith. The purpose of this policy is to establish guidelines, in the interest of fairness and integrity in the bargaining process, for City Councilmembers during labor negotiations. This policy does not seek to direct or control the actions of labor; rather, it seeks to impose a level of self-discipline by the City Council on its own members. Adherence to the guidelines will avoid actions that could circumvent designated bargaining teams, and help to ensure that labor negotiations are conducted in good faith.

POLICY STATEMENT

1. All labor negotiations shall be conducted by designated representatives at the bargaining table. No Councilmember will individually negotiate with any bargaining unit member. Any inquiries received by a Councilmember from a bargaining unit's representative regarding bargaining proposals shall be referred to the City's authorized negotiators.
2. The City's negotiators shall provide updates on the status of negotiations in closed session as needed. Councilmembers shall direct any questions related to labor negotiations for follow up to the City Manager.

3. Consistent with Government Code Section 54963 (the Brown Act), closed session discussions regarding labor relations are to be held in the strictest confidence and Councilmembers shall not disclose any closed session discussion regarding negotiations.
4. If bargaining unit members ask Councilmembers any questions, provide any feedback or make general comments about the status of negotiations, they shall be referred to their bargaining representative in all instances.
5. Nothing in this policy shall prohibit Councilmembers from listening to bargaining unit representatives or persons acting on their behalf. Councilmembers shall not knowingly respond to or discuss any proposals or any other confidential closed session discussion.
6. Councilmembers shall disclose to the City Manager and to the entire City Council material facts regarding issues related to ongoing negotiations.

(Adopted: RTC #14-0490 (May 20, 2014))

Lead Department: Human Resources

For reference, see also: Sunnyvale Municipal Code Chapter 2.24 *Employer-Employee Relations Code* and Council Policy 7.3.5 *Municipal Employee Relations Officer*.

Policy 7.3.30 "Flagpole Use for Ceremonial or Commemorative Purposes"

POLICY PURPOSE:

The purpose of this policy is to establish clear guidelines regarding displaying ceremonial or commemorative flags on the flag pole at City Hall.

POLICY STATEMENT:

1. The City's flagpoles are not intended to be a forum for free expression by the public. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.
2. Ceremonial or commemorative flags shall be displayed as an expression of the City's official sentiments, consistent with the City's values. It is expected that these flags incorporate themes of diversity, equity, social justice, and inclusion.
3. Ceremonial or commemorative flags:
 - A. Shall be displayed only by adoption of a resolution of the City Council;
 - B. Shall only be displayed on the flag pole located at City Hall, exclusively under the City of Sunnyvale Flag;
 - C. Shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than forty-five (45) continuous days.

((Adopted: RTC #19-1201 (12/03/19))

Lead Department: Office of the City Manager

For reference, see also: Administrative Policy 6.2 Display of Flags at City Buildings

Policy 7.4.1 Provision of Staff/Administrative Support to Councilmembers

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers.

POLICY STATEMENT:

I. In order to effectively discharge the responsibilities of elected officials, the Mayor and Councilmembers are entitled to receive administrative services. The City Manager shall assign a person or persons to provide these administrative services and shall so advise the City Council. The various kinds of staff/administrative support provided to Council are outlined in Chapter 7, Section 4 of the Council Policy Manual.

II. Implementation.

The City Manager shall monitor the provisions of this policy, and all policies found in Chapter 7, Section 4 of the Council Policy Manual, within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement these policies. At the time a new Councilmember is seated, the Mayor and City Manager should review these policies with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014): Amended RTC #15-0317 (April 7, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- Council Policy Manual, Chapter 7, Subsection 4 *Policies Relating to Council Support and Processes* (Policies 7.4.1 – 7.4.16)
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.2 Council Equipment, Materials, and Supplies

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the provision of supplies and materials for Councilmembers.

POLICY STATEMENT:

- I. Certain supplies and materials are required by Councilmembers to discharge their functions. The City Manager shall make available to Councilmembers the following materials and supplies when requested, which shall be used predominantly for City business and only incidentally for personal use:
 - A. The means to access City Hall, both the Office of the City Manager administrative suite as well as the Council conference room.
 - B. One file cabinet (upon request) per four-year term to be returned to, or purchased from, the City at market rate when a Councilmember leaves office.
 - C. Customary office supplies and business cards for official City use. Individual Councilmembers shall have the choice of business cards from a set of standard City options. Councilmembers shall not use business cards that do not reflect their official position or title (i.e., Mayor, Vice Mayor, or Councilmember) at the time of use.
 - D. A technology allowance in the amount of \$1,720 per Councilmember per four-year term for the purchase of equipment including, but not limited to, a personal computer; printer; laptop; fax; or mobile electronic device, such as a cell phone, tablet, or notepad. Equipment purchased with this allowance shall be consistent with standard City issue, or approved by the Director of Information Technology, and shall be returned to or purchased from the City at market rate when a Councilmember leaves office. An amount not to exceed \$79 per month (non-taxable) shall be reimbursed for monthly service charges for equipment purchased under this policy.
 1. Commencing on January 1, 2022, and annually on January 1 thereafter, the technology allowance and monthly service charge reimbursement shall increase by a percentage equal to the percentage increase in the preceding October's twelve-month rolling average of the Consumer Price Index-Urban (CPI-U), or successor index, for San Francisco-Oakland-San Jose, as determined by the United States Department of Labor, Bureau of Consumers. The CPI-U base index year shall be calendar year 2021.

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CPI-U Adjusted Amounts

Year	Technology Allowance	Service Charge Reimbursement
2021	\$1,720	\$79

2. Public Records Act and Brown Act issues are associated with the use of these types of equipment. To the extent the equipment is used for the performance of official City business, much of the data contained in the equipment is public property and considered a public record, therefore subject to all Public Records Act and Brown Act policies.

- E. Newly-elected and incumbent Councilmembers shall receive one City logo branded piece of clothing per Council term year, style to be chosen by individual Councilmembers from standard choices available. Newly-elected Councilmembers will receive their first piece of clothing in the first quarter following the certification of election results. In the first quarter of the calendar year, a request for style preference will be sent to newly-elected and incumbent Councilmembers from the Executive Assistant to the City Council in preparation of ordering shirts for the next calendar year.

- F. Newly-elected Councilmembers, or Councilmembers who have changed titles after a Council election, shall receive a City name badge reflecting their new title.

- G. Technical Support. Technical support to maintain and facilitate the use of equipment is limited to official duties. Support will only be provided for equipment purchased in accordance with section I.D. of this policy, and only at the same level as is provided to City employees. Councilmembers must bring equipment to City facilities for repair or on-site maintenance. The Executive Assistant to Council coordinates the transport and return of equipment to be serviced by IT staff.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Amended RTC #15-0317 (April 7, 2015); RTC #21-0099 (January 12, 2021))

Lead Department: Office of the City Manager

For reference, see also:

- Council Policy Manual 7.4.1, Section II, *Implementation*
- Council Policy Manual 7.4.11, *Council Files*
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.3 Meetings: Scheduling and Use of City Facilities

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the support to Council for the scheduling of meetings.

POLICY STATEMENT:

- I. Meetings: Scheduling and Use of City Facilities.
The Executive Assistant shall provide assistance to Councilmembers in making arrangements for meetings held in City facilities. Normal scheduling methods shall be used. This provision does not apply to regular or special City Council meetings (which are coordinated through the City Clerk's Office). Neither Councilmembers or City staff shall use any City resources for political campaigns.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Amended RTC #15-0317 (April 7, 2015); Amended RTC #22-0704 (July 26, 2022))

Lead Department: Office of the City Manager

For reference, see also:

- Tentative Council Meeting Agenda Calendar (TCMAC)
- Council Policy Manual 7.4.1, Section II, *Implementation*
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.4 Council Travel and Conferences

POLICY PURPOSE:

It is the purpose of this policy to define the City's expectations of Councilmembers who travel in connection with their work responsibilities and to clarify which expenses the City will fund and which expenses are considered the personal responsibility of the traveler.

POLICY STATEMENT:

The City expects to pay all reasonable costs incurred by Councilmembers traveling on approved City business; travel is a privilege and not a right conferred by election; Councilmembers are expected to use sound fiscal stewardship when expending public funds, and to travel in the most logical and least expensive manner possible.

I. Authorization.

- A. Mayor approval (or Vice Mayor for Mayor) is required in advance of any Councilmember travel that requires a commitment of City funds. Authorization shall be sought via submittal of a Travel Authorization Request (TAR).
- B. Any denied travel shall be accompanied by the reason(s) for denial, which shall be limited to the following:
 - 1. Requesting Councilmember has insufficient funds to pay for the intended travel. (See Section II, *Council Travel Budgets*, below.)
 - 2. The purpose of the intended travel does not meet one or more of the following:
 - a. Represent the City in a Council-approved/ratified Intergovernmental Relations role.
 - b. Advocate official City positions on key legislation, policies or programs.
 - c. Attend a conference or meeting arranged by an organization of which the City is a member.
 - d. Conduct presentations at a conference or workshop with the goal of improving the efficiency and performance of government in general.

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- e. Become better informed regarding key legislation, policies or programs impacting local government.
3. Failure to adhere to the provisions of this Council Policy 7.4.4. (i.e., not submitting expense forms or receipts on time).

II. Travel Budgets.

- A. Council shall establish travel budgets as part of the annual City budget process.
- B. Travel budgets for Councilmembers up for election or due to leave office in any particular year shall be prorated to ensure adequate travel funds are available for incoming Councilmembers. The percentage of travel funds allocated to outgoing/incoming Councilmembers shall be determined by staff and based on ensuring the ability of whoever is in office at the time to attend the scheduled dates of the National League of Cities (NLC) Congressional City Conference; the NLC Congress of Cities and Exposition; and the League of California Cities' (LCC) Annual Conference and Exposition. Any unspent funds allocated to an outgoing Councilmember's seat shall be carried over to the incoming Councilmember's budget. The Mayor's budget will be allocated similarly.
- C. Each Councilmember will be provided with an update of his/her travel budget, including balance and itemization of expenses on a monthly basis by the Executive Assistant to Council. The Mayor (who authorizes payment of expenses) will also receive the same information on each Councilmember's expenditures. The Executive Assistant to Council shall send a notification to any Councilmember whose budget is close to being overdrawn, copying the Mayor, the City Manager, and the Assistant City Manager.
- D. Councilmembers shall not exceed authorized amounts budgeted for travel. Any and all travel expenses in excess of a Councilmember's approved budget shall be reimbursed to the City by the Councilmember.
- E. Mid-year increases in travel budgets are discouraged and shall generally be considered only if Councilmembers can demonstrate that additional amounts are for unforeseen expenses that could not be anticipated prior to the initial adoption of the annual travel budget.
- F. There are two ways for a Councilmember to increase his/her approved travel budget:
 1. The adopted travel budget can be amended on a case-by-case basis during the fiscal year by approval of the City Council at a public

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meeting. Councilmembers desiring an increase in their annual travel budget shall provide an estimate of the additional amount prior to actual travel or expenditure of funds. Justifications for the budget increase shall also be included with the request for additional funds. All increases in travel budgets must be approved by a majority vote of the full Council prior to actual travel or expenditure of additional funds.

2. Councilmembers may choose at any time to relinquish a portion of their unspent travel budget to another Councilmember. Any Councilmember wishing to do so shall notify the Executive Assistant to Council and the City Manager in writing. Otherwise, the remaining balance of unspent funds at the end of the fiscal year shall return to the General Fund.

G. Any carryover of Council travel budgets from one fiscal year to the next shall require the approval of the Council during the annual carryover process.

III. Travel Arrangements.

A. Travel arrangements shall be made as far in advance as possible to obtain the best possible fares and rates. Registration for conferences and training shall be made far enough in advance to take advantage of early (discounted) fees, and to avoid late registration fees. If travel arrangements must be canceled for any reason, the person who made the arrangements shall cancel them in sufficient time to prevent the City from incurring unnecessary costs when possible.

B. Unless Councilmember's opt to book their own travel, staff shall make arrangements for City Council travel including registrations, transportation and lodging, and travel cash advances (if requested by the Councilmember). Staff shall prepare a travel information packet for each Councilmember traveling to any of the main annual conferences: the National League of Cities (NLC) spring and fall conferences, the League of California Cities (LCC) annual fall conference, and the U.S. Conference of Mayors (USCM) spring and summer conferences.

IV. Transportation.

A. Travelers shall use whatever mode of transportation is the most logical and least expensive. If a Councilmember elects to use a mode of transportation other than the most logical and least expensive, the City shall pay only the cost of the most logical and least expensive mode.

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- B. Air Travel. Councilmembers shall not limit their air travel options by specifying an airline. The airline offering the lowest fare for a logical route shall be selected.
 - C. Use of Private Vehicles. Councilmembers shall be compensated for the use of their private vehicles for approved business travel at the current IRS standard mileage rate, provided that it is the most logical and least expensive method of transportation. The City shall pay all expenses, such as bridge tolls and parking fees, incurred as the result of a Councilmember's authorized use of a vehicle while traveling on City business. Councilmembers requesting reimbursement for the payment of such expenses shall obtain receipts and submit them with their Travel Expense Reports. To drive a City or privately owned vehicle on City business, Councilmembers must possess a valid California driver's license. A driver of a privately owned vehicle must also carry adequate liability insurance coverage, and be responsible for any damage, service, or repair to the car occurring on the trip, as these costs are included in the City's per mile cost reimbursement.
 - D. Train and Other Mass Transit. Councilmembers shall be compensated for train or other mass transit fares and fees provided that it is the most logical and least expensive method of travel.
 - E. Ground Transportation at Destination. Supplementary transportation within the destination city shall be accomplished by hotel courtesy buses, local shuttle services or public transportation, if available and logical. Taxi or car service may be used when no other convenient, less costly mode of transportation is available.
 - F. Rental Vehicles. Rental vehicles shall be used only when no other mode of transportation is available or when alternate transportation would be more expensive or impractical and must be authorized in advance. If a rental vehicle is authorized, Councilmembers shall request the least expensive vehicle category that meets their needs. Optional insurance offered by the rental agency should be declined.
- V. Lodging.
- A. The City shall pay lodging expenses for approved travel, including the evening preceding or subsequent to a meeting or business event when the Councilmember would otherwise have to travel from his/her residence before 6 a.m. or after 9 p.m. to reach or return from his or her destination.
 - B. When there is not a specific lodging site associated with official City business, the City shall pay for actual lodging expenses up to the General Services Administration (GSA) maximum rate allowed by location

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(<http://www.gsa.gov/portal/category/21287>). Note that the GSA maximum rate applies to the base room rate only, and does not include taxes. Every effort shall be made to obtain lodging at or near the facility where official City business is to take place to minimize travel time and transportation costs. The lodging should also be clean, safe and appropriate for business travel. Government rates are often available and should be sought.

- C. The City shall pay only for standard single rooms at conference, government or corporate rates. The City shall pay additional charges for a double room only if two Councilmembers share the room. Additional charges arising from the registration or the sharing of a room with a spouse or guest are not reimbursable.
- D. Councilmembers shall notify the Executive Assistant to Mayor and Council regarding any reservations for lodging they will not use. Any charge for an unused reservation shall be considered the Councilmember's personal expense unless failure to cancel the reservation was due to circumstances reasonably beyond the Councilmember's control.

VI. Meals.

- A. The City shall pay for a Councilmember's meals during authorized travel, including tax and tips, up to the per diem amount established by the GSA for the destination location (available at: <http://www.gsa.gov/portal/category/21287> —“Meals Breakdown”), except that the City shall not pay for the following:
 - 1. Breakfast on the first day of travel.
 - 2. Meals that the Councilmember elects to purchase from another source when the meals are included in the cost of a conference, training registration fee, or hotel stay.
 - 3. Alcoholic beverages.
- B. The City shall pay for meals during partial days of travel on a pro-rated basis, as follows:
 - 1. If the partial day includes travel before 8 a.m., the City shall pay for breakfast.
 - 2. If the partial day includes travel between 11 a.m. and 1 p.m., the City shall pay for lunch.
 - 3. If the partial day includes travel after 5 p.m., the City shall pay for dinner.

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- C. Any meal reimbursement where a Councilmember is not required to travel away from home overnight shall be taxable in the amount of the meal reimbursement under Internal Revenue Code Section 162(a) (2).

VII. Miscellaneous Fees/Business Expenses.

- A. Gratuities/Tips. The City shall pay reasonable and customary gratuities and tips during City business travel. Tips for meals are included in the standard per diem rate.
- B. Business Expenses. The City shall pay for goods and/or services deemed necessary for the completion of official business, such as faxes, copier and computer usage, etc.; for Internet usage at actual cost and for all business telephone calls. Cellular phones are often more cost-effective than using hotel phones directly and should be considered as a primary option. Collect calls should be avoided. Fees which include use of local calls, wireless internet access, or other such amenities shall be covered by the City. The City shall also pay for printed materials, tapes or other training materials that may be available for sale at training, conferences, etc., provided that the materials are of benefit to the City and shall remain the City's property.
- C. Baggage Fees. If the airline charges for all checked baggage, the City shall cover the cost for one checked bag only. Excess baggage charges are not reimbursable.
- D. Personal Expenses. Personal expenses shall not be paid by the City. In addition to those items identified as personal expenses throughout this policy, personal expenses include personal telephone calls, in-room movies, spas and gyms, optional recreational events in connection with a conference, laundry or dry cleaning, miscellaneous sundries, or other items of a personal nature. Personal travel shall not be mixed with business travel if it will cost the City or harm the City's interest in any way. The City shall not pay for any expenses of a spouse or other person who accompanies a Councilmember on business travel.

VIII. Payment of Expenses.

Councilmembers may pay for allowable travel expenses by requesting a travel advance in an amount up to the total estimated expenses for the trip minus any pre-paid expenses. Allowable expenses may also be paid out of pocket and reimbursed upon completion of travel.

IX. Settlement of Expenses.

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- A. Within three weeks of a Councilmember's return from a business trip, a final accounting of all expenses associated with the trip shall be made by completing a Travel Expense Report, and an associated Mileage Reporting Form, if applicable, attaching original receipts substantiating all reported expenses with the exception of meals, and submitting the report to the Executive Assistant to Mayor and Council.
- B. If the Councilmember received a travel advance and actual expenses were less than the amount advanced, any unused amount of the travel advance shall be returned to the City via a payroll deduction. Should a Councilmember who has received a travel advance fail to submit a Travel Expense Report within three weeks of return, the Department of Finance may deduct the amount of the travel advance from the Councilmember's next pay check unless the Councilmember can verify timely submission of paperwork or an extension has been requested and approved with valid reason.
- C. If the Councilmember personally paid for allowable business trip expenses, the City shall reimburse the employee through the bi-weekly payroll process. Reimbursement of travel expenses received from an outside source must be forwarded to the Executive Assistant to Mayor and Council upon receipt.
- D. The Mayor's signature is required as approval of Council expense statements. The Vice Mayor approves the Mayor's expense statements.
- E. To the extent that another agency or organization pays for the travel or conference expenses of a Councilmember, the City shall not pay for those same expenses. Councilmembers shall either submit the other agency's payment to the City (in which case the City shall pay for the Councilmember's entire expenses), or refrain from claiming expenses for that portion of his/her expenses paid for by the other agency.
- F. For multiple Council meals paid for by a single Councilmember, the total expense for the meal shall be submitted on the expense report of the paying Councilmember, along with a written breakdown of amounts to be charged to the budgets of other Councilmembers.
- B. When Councilmembers attend a group dinner where the individual cost of each meal is unavailable, the Mayor shall determine a fair and equitable method of distributing the charges among the various Councilmembers in attendance. The City may pay for meals of official guests of the Council. Costs for meals of guests invited by a single Councilmember shall be charged to the individual Councilmember's budget. The cost of meals for guests invited by the Mayor or four or more Councilmembers shall be paid

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by the City out of the Council program budget but need not be charged to any Councilmember's travel budget.

X. Exceptions to the Policy.

This policy does not claim to address all contingencies and conditions. However, any exception requires Mayoral approval via a Travel Authorization Request (TAR) for anticipated/known exceptions or via a Travel Expense Report for unanticipated/unplanned expenses. Requests for exceptions should be accompanied by the traveler's written justification for the expense.

Examples of exceptions to this policy include, but are not limited to, the following:

- Unusual business expenses;
- Per diem and/or lodging expenses which exceed GSA limits;
- The purchase of one or more meals from another source even though they were included in a conference and/or seminar registration fee;
- The use of an alternate mode of transportation under the Americans with Disabilities Act;
- Travel costs in excess of budgeted amounts.

XI. Audits.

The Department of Finance shall conduct periodic audits to ensure compliance with this policy. Audit results shall be submitted to the Mayor and City Manager.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Adopted: RTC #15-0343 (May 12, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.1, *Staff/Administrative Support for Councilmembers*
- 7.4.12, *City Council Appointments to Intergovernmental Agencies*
- 7.4.15, *Council Advocacy*
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.5 Ceremonial Events

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding ceremonial events.

POLICY STATEMENT:

- I. Requests for a City representative at ceremonial events will be handled by City staff.
 - A. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine whether event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Councilmember should be asked to serve as a substitute.
 - B. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers at their homes are presumed to be for unofficial, personal consideration.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.3, *Council Activity Calendar*
- 7.4.6, *Council Announcements and Speeches*
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.6 Council Announcements and Speeches

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the preparation of Council announcements and speeches.

POLICY STATEMENT:

Council Announcements. The Executive Assistant to the City Council coordinates the preparation and scheduling of Council Announcements. Advanced copies shall be provided to the Mayor, Assistant City Manager, the reading Councilmember, and the Clerk.

Speeches

- A. Council-Initiated Speeches. Councilmembers are entitled to staff assistance for speech preparation for apolitical, City-related events and programs or to support Council-approved actions or advocacy positions. Such assistance shall be requested of the City Manager for purposes of assigning appropriate staff assistance. Requests should be made at least two weeks in advance of the presentation. An outline of issues to be covered as well as available supporting material is to be provided by the requesting Councilmember. A draft of the speech will be provided to the Councilmember for final review at least three days prior to the presentation.

- B. Department-Initiated Speeches. Departments initiating the preparation of speeches for Councilmembers shall first obtain direction and approval from the City Manager. Departments shall either prepare such speeches themselves, or submit a request to the Communications Office at least two weeks prior to the scheduled presentation.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.14, *Legislative Advocacy Positions*
- 7.4.15, *Council Advocacy*
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.7 Council Correspondence

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the preparation, signature authorization, and limitations pertaining to Council correspondence.

POLICY STATEMENT:

I. Preparation of correspondence relating to official City business will be provided upon request within the resource restraints of the adopted budget.

II. Correspondence Preparation

A. The Mayor or his/her designee shall sign all correspondence on behalf of the entire Council. All correspondence in which the City takes a position on a piece of legislation or issue shall be signed by the Mayor with a copy placed in the Mayor's Correspondence File (accessible to all public and Councilmembers for review). Before routing to the Mayor for signature, all correspondence in which the City takes a position on a piece of legislation or issue must be approved by the department Director. City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and OCM IGR Liaison shall be copied on all IGR-related correspondence.

All correspondence conveying thanks or appreciation on behalf of the entire City Council shall be signed by the Mayor. This does not preclude individual Councilmembers from creating their own personal correspondence. However, a Councilmember may not request nor use City resources in the preparation of personal correspondence or correspondence in support or pursuit of political office, either for themselves or for someone else.

B. Staff will not prepare correspondence representing a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If Councilmembers use their title, position, or City letterhead to express a personal opinion, the official City position must be stated clearly so the audience understands the difference between the official City position and the viewpoint of the Councilmember. (See Code of Conduct for Elected Officials for more information). A copy of any and all correspondence developed by or for a Councilmember on City letterhead shall be provided to the Office of the City Manager for filing.

C. The City Manager is responsible for assigning appropriate staff to assist the City Council in the preparation of correspondence. Assigned staff prepares correspondence for signature and submits it to the Executive Assistant to the Mayor and Council for coordination of the Mayor/Councilmember's signature. Unless the Mayor/Councilmember determines that revision(s) to the document are required,

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signed correspondence is returned by the Executive Assistant to the preparer for mailing, distribution, and filing with their department. Copies of all correspondence signed by the Mayor or Council are maintained in the Council Files by the Executive Assistant and are open to public inspection during normal business hours.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.9, Receiving and Responding to Community Member Inquiries and Concerns
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.8 Mayor and Council Mail, AnswerPoint Email, and Meeting Packets

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the handling and processing of Mayor and Council mail, AnswerPoint emails, and packet deliveries.

POLICY STATEMENT:

I. Mayor and Council Mail and AnswerPoint Email

- A. Mayor and Council Mail. Mail for Council, unless marked confidential or personal, is opened, date stamped, and placed in Council mailboxes each business day. The Mayor shall have the option of opening his/her own mail. If he/she chooses to have staff open his/her mail, all mail not marked confidential or personal shall be opened each business day, date-stamped, reviewed by the Senior Management Analyst or the Assistant City Manager, and delivered to the Mayor's office. Depending on the topic/issue, some mail may, at the discretion of the Senior Management Analyst or the Assistant City Manager, be copied to additional key City staff. Either originals or copies of original letters to the Mayor are retained in Council Files .
- B. AnswerPoint Email. Emails from both Council and Mayor AnswerPoints are reviewed by the Executive Assistant to the City Council and forwarded to Councilmembers, copying key City staff. These emails are also copied to Council Files. (See Administrative Policy, Chapter 1, Article 17, for more information on how to respond to "Customer Inquiries and Concerns.")

II. Council Mail and Meeting Packets

- A. Council Mail Packets are delivered to Councilmembers' homes on Friday mornings preceding Tuesday Council meetings. Councilmembers also receive a packet on the dais at each Tuesday night Council meeting. If there is no Council meeting on Tuesday, the Tuesday packet is held over until the Friday delivery, unless urgent mail items necessitate an additional delivery, as defined by the City Manager. Councilmembers may also opt to pick up their mail from City Hall rather than have it delivered.
- B. Council Meeting packets/binders are also delivered to Councilmembers' homes each Friday morning preceding a Tuesday Council Meeting. If a holiday falls on a Friday, packets/binders are delivered the day before the holiday occurs. Councilmembers may also opt to receive their meeting packets electronically.

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- C. With the exception of the two deliveries noted above, and/or emergencies as defined by the City Manager, Councilmembers are to deliver and retrieve their own mail and materials to and from City Hall.
- D. Packet/binder deliveries occurring on holidays. If a packet delivery date occurs on a holiday, special arrangements will be made to deliver those packets/binders prior to the holiday.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.9, *Receiving and Responding to Community Member Inquiries and Concerns*
- Administrative Policy, Chapter 1, Article 17, *Inquiries and Concerns*
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.9 Receiving and Responding to Community Member Inquiries and Concerns

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

I. Inquires Relating to Administrative or Operational Issues.

All non-emergency community member inquiries and concerns *dealing with the administrative or operational affairs of the City* which are received by Council (whether at home or at the City) shall be routed to the City Manager and appropriate Department Head(s) for information and follow-up. Staff shall respond to the inquiry or complaint, most often in the same form it was received (i.e., letter, email, phone). Any community concern initially directed to Council shall be tracked by staff with resolution copied to the City Manager and copied to Council Files by the Executive Assistant to Council, thereby ensuring that the same information is made available for review by all members of Council.

II. Inquiries Relating to Council Policy.

All community member concerns or inquiries *dealing with Council policy* should be routed to the Mayor and Council for consideration and follow up, with a copy to the City Manager, City Attorney, and affected Department Heads. Copies of communications related to items on Council's upcoming agenda shall be included whenever possible in the agenda packets prepared for Council prior to the public hearing.

Inquiries concerning any City incident or operation shall not be answered until it is safe and practical to do so, and at such time as it will not jeopardize staff response to the incident or operation.

Staff shall make every effort to acknowledge (simply confirm receipt of) customer contacts the same day they are received. Acknowledgement of concerns received by letter shall be mailed within 3 business days.

If staff cannot respond (provide an answer) to a customer within five working days of initial contact, an interim reply shall be provided which:

- Acknowledges receipt;
- Briefly explains the reason a complete response cannot be provided at this time; and

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- Identifies a reasonable time frame when a response will be sent.

A complete follow-up response should not exceed ten working days from the date of initial contact.

If responding to a customer will exceed ten working days, staff shall continue to communicate with the customer, and shall continue to identify reasonable time frames when follow-up responses will be provided.

(For more detail, see Administrative Policy Manual, Chapter 1, Article 17: “Customer Inquiries and Concerns.”)

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager’s Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also:

Policy 7.4.10 Council Inquiries and Requests for Information and Records

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

- I. It is recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City Charter places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Councilmembers to direct the activities of City staff. The following policies regarding staff assistance are established to comply with the City Charter and meet the needs of Councilmembers (see Code of Conduct and Code of Ethics for additional guidance):
 - A. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day. A request for information, records, written work or analysis by City staff with support work of up to one (1) hour will be provided. Requests over one hour must be approved by the Council. The City Manager can authorize a deviation from this policy if he/she determines that the request needs to be filled before the Council next meets.
 - B. Routine Requests for Information and Inquiries.
 1. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis by City staff (e.g., "What are the library's hours of operation?") or "How does one reserve a tee time at the golf course?".
 2. Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
 3. Assistance in securing single copies of official records will be provided.

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- C. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information *not routinely requested by the general public* so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half mast?”). Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers the requested information.
 - D. Non-routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?” or “What is the logic behind the City’s sign ordinances affecting businesses along El Camino Real?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate, and affected Department Heads. See more in Section II below.
 - E. Questions Regarding Reports to Council. Councilmembers should forward any questions regarding staff “Reports to Council” at least 24 hours in advance of the Council meeting for which that item is agendaized. During Council meetings, any questions from Council having to do with non-agenda items shall be directed to the City Manager for follow-up.
 - F. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.
 - G. Restricted Information. Under certain circumstances, requests for information regarding operations or personnel may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for employees in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of personnel information and records. See more in Section II below.
- II. Section I above addresses councilmembers’ request for information and records of a routine and non-routine nature and primarily addresses records which are available to the general public. Additionally, this Policy will establish Guidelines and Standards

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regarding requests by the Council and individual councilmembers for City records and information which may not be available to the general public. This Policy obligates the City Manager and City Attorney to determine the appropriate labeling of the records or information and is intended for benefit of the City, staff and the community.

A. Guiding Principles.

1. The Sunnyvale City Charter provides that the Sunnyvale Municipal Government shall be conducted as a “Council-Manager” form of government and requires the Council to deal directly with the officers and employees of the City through the City Manager or City Attorney. The Charter also provides that the City Attorney shall control all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical expert services to assist with or take charge of any litigation or matter.
2. The Council has the clear authority under the Charter to conduct an inquiry into the affairs of the City or the conduct of any department or office which the City Council authorizes with at least four (4) votes. An individual councilmember may request a vote of the Council to initiate such an inquiry.
3. While the vast majority, perhaps 95% of public records are available to the general public, some information and records are by law restricted and may not be released to the public. Some public records are maintained on a strictly “need-to-know” basis and may not be released by staff, even to the City Council. Laws governing these records often impose a legal obligation on part of City staff (e.g. personnel records, medical and health records; some tax information; police records) and also may create privileges to that privacy or non-disclosure.
4. This Policy acknowledges that some non-public records may become public records in the future. Some records such as personnel records or medical information may never lose their cloak of privacy, absent the consent by the party who possesses the privilege or protection.
5. The City Charter and principles of governance provide that the City Council can establish rules for the conduct of its business and proceedings and may sanction a person for disorderly or improper conduct at any meeting or for the disclosure or abrogation of any of the rights of the City, staff or its residents as it may be related to the right to privacy and non-disclosure of information and records.

B. Closed Session Information and Records.

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1. No person shall disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it unless the legislative body by affirmative vote authorizes disclosure of that confidential information.
2. This Policy hereby creates a presumption that any information, records or written materials received as part of a closed session are confidential in nature and may not be disclosed without permission of the City Attorney, the City Manager after consultation with the City Attorney, or disclosure is authorized by a majority vote of the City Council. The Council is free to request clarification of this issue while in closed session or independently with the City Attorney.
3. All materials provided as part of a closed session including materials distributed before the closed session and those distributed in the closed session are to be returned to City staff prior to the conclusion of the closed session unless the City Attorney, the City Manager, in consultation with the City Attorney, or a majority vote of the Council authorizes retention of the materials. The authorization to retain materials does not affect the privilege of confidentiality affecting those materials, the information and/or the obligation to not disclose any of said information or materials.

C. Personnel, Medical Information and Public Safety Records.

1. As a general rule City Council has no authority to review individual employee personnel records and/or medical information, with the exception of the personnel files and nonmedical information relating to the City Attorney or City Manager.
2. Council has a limited privilege to review information which may be necessary in the personnel context as part of labor negotiations. If that that information is received in closed session, Section II.B of this Policy applies.
3. Council may have access to information and records maintained by the public safety department which are accessible public records and non-confidential in nature as determined by the Chief of Public Safety in consultation with the City Attorney.

D. Attorney-Client and Work-Product Privileged Information and Records.

1. Consistent with City Charter Section 908, while the City Attorney controls all legal business and proceedings of the City subject to contracting and budget constraints, the City Council can review with the City Attorney the handling of any matter, including litigation and shall have the right to

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view contracts authorized by the City Attorney and the negotiation and payment of legal invoices.

2. Council shall exercise this right through either the supervision of individual cases as those matters come before the Council or as part of the City Attorney evaluation process.

E. Procedure for Access to Information.

1. Litigation/Legal – Any individual councilmember seeking to examine individual contracts, invoices, payments or records involving confidential information or records handled by the City Attorney may request that Council conduct an inquiry as is authorized under Section 807 of the City Charter. If the inquiry arises as part of the evaluation of the City Attorney, the Mayor shall advise the City Attorney in advance of the evaluation proceeding that the Council has voted by at least four affirmative votes to inquire into one or more matters specified in this Policy. The City Attorney shall respond with sufficient information and detail as may be required by the Council.
2. If the request or inquiry is made as part of a public meeting the requesting councilmember shall state the request in the form of a motion. If the motion receives a second, the matter shall be voted on and four votes shall authorize access by the Council. The City Manager and City Attorney are directed to determine in what context the access can occur to maintain any privilege or comply with any obligation imposed on the City by law.
3. If legally permissible, a councilmember may review confidential information directly with the City Manager or City Attorney in a manner which preserves and protects the attorney-client and attorney work-product privileges of the City and is consistent with the time limitations of Section I above.
4. Attempts to access information or records in violation of this policy shall be ruled as “out of order” by the Mayor if the attempt occurs at a public meeting and reported to the Mayor if the violation occurs outside of a public meeting.

F. Limitations and Exclusions.

1. The Policy is supplementary to and in no way is intended to conflict with the City Charter or to compromise or abrogate the privileges possessed by the City including, but not limited to, the attorney-client privilege, the attorney work-product privilege, the obligations and privileges with respect to personnel records, medical information and records under HIPPA and other laws and regulations. This policy also does not impact

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the City's rights and obligations under the California Public Records Act, Government Code 6254, et seq.

2. Confidential public records shall only be disclosed to staff on a need-to-know basis only as may be determined by the custodian of those records in consultation with the City Attorney.
3. If a confidential record no longer needs to be held as confidential, it shall be considered an accessible public record.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.6 Council Announcements and Speeches.

Policy 7.4.11 Council Files

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

I. The purpose of the Council Files is to provide a reference for Councilmembers and the public of written information that has been submitted to Council either by regular or electronic mail.

A. Council Files. The Council Files contain information of a general interest to the Council. The Files are maintained by the Council Executive Assistant, and all items three years or older are automatically purged from the Files. The Council Files are available for inspection to any interested person during regular business hours.

B. Mayor's Correspondence File. The purpose of the Mayor's Correspondence File is to provide a reference for Councilmembers and the public of written correspondence signed by the Mayor.

II. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.8 Council and Mayor's Mail and AnswerPoint Email; 7.4.9 Receiving and Responding to Community Member Inquiries and Concerns

Policy 7.4.12 Council Appointments to Intergovernmental Agencies

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

Additionally, this policy provides 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:

I. 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.

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Councilmembers shall notify the IGR Manager of any changes to IGR assignments.

- 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 this Policy.
- G. When representing the City on an intergovernmental committee, Councilmembers must vote in accordance with the official City position on an issue, regardless of the Councilmember's individual position.
- H. 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.

- I. 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:

1. 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.
2. 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.

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II. Mayoral Appointments to Intergovernmental Agencies

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.

III. Staff Support to IGR Assignments

Staff assistance shall be provided to Councilmembers serving on intergovernmental bodies when the Council has approved the appointments of a member to that body, or in the case when the Council is not the approving body, if the Council has consented to that member sitting on that body (see Council Policy, 7.3.12 regarding the City Council Appointments to Intergovernmental Agencies, City Council Subcommittees and Council or Mayor-Created Advisory Task Forces). Unless officially approved by the Council, no staff support shall be provided once a Councilmember leaves City office. The City's Intergovernmental Relations (IGR) Program is coordinated within the Office of the City Manager. The Office of the City Manager is responsible for assisting Council with applications for IGR committees, determining levels of staff support, presenting Reports to Council to ratify IGR appointments, and maintaining the Council IGR committee database.

For purposes of this policy, intergovernmental bodies are broadly defined to include committees of intergovernmental agencies or organizations. Staff support shall be consistent with the following guidelines:

- A. Assignments will be made by the City Manager.

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- B. If the intergovernmental body has its own professional staff, such staff should be utilized to the greatest practical extent, rather than City staff.
- C. Assigned staff shall meet with newly assigned Councilmembers regarding the expected level of support. A form will be provided to reflect the agreed upon level of support with appropriate signatures. This form is updated at a Councilmember's request, or upon a change in assignment.
- D. Staff shall request that the Councilmember be placed on the committee's mailing list to receive all required information.
- E. Assigned City staff shall not attend the intergovernmental meeting unless the Councilmember requests such attendance from the City Manager, and the Manager approves.
- F. The primary responsibility of assigned staff is to review issues before the intergovernmental body as they may affect the City, and to advise and assist the Councilmember in presenting issues before the full Council. Staff is encouraged to communicate with Council in writing to avoid miscommunication. IGR information provided to Council shall be consistent with adopted City policies (consider General Plan Sub-elements, adopted legislative advocacy positions, or past Council practice).
- G. In the absence of adopted policy, staff should determine whether the issue is significant enough to warrant a Council adopted position. If so, the City Manager should be notified in a timely manner so that the issue can be placed on a Council agenda.
- H. Councilmembers shall not direct staff to conduct major research. Major research shall occur only upon the direction of the City Manager.
- I. As directed by the City Manager, assigned staff may prepare formal IGR correspondence on behalf of Councilmembers only on issues arising from a Councilmember's IGR committee assignment. Always copy the originating department Director, City Manager and IGR Officer on all IGR-related correspondence (For more detail on IGR advocacy correspondence, see Section E: "Correspondence Preparation").
- J. Council may provide updates on their IGR assignments during the Council Updates on Intergovernmental Activities section of the Council agenda.
- K. Legislative Briefings. Staff prepares briefing reports for Councilmembers attending conferences and meetings as directed by the City Manager. Such reports include up-to-date information on the issues at hand. When the subject is to be

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discussed with specific legislators, their position (if known on the matter) should be included in the report.

IV. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(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); Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For Reference, see also: 7.4.13 Council Subcommittees and Council or Mayor-Created Advisory Task Forces; 7.4.15 Legislative Advocacy Positions; 7.4.15 Council Advocacy

Policy 7.4.13 Council Subcommittees and Council or Mayor-Created Advisory Task Forces

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

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.

I. Standing Committees.

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

II. Ad Hoc Advisory Committees.

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- 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.

III. 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.

A. 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.)

Basic principles governing these task forces are:

1. Members are appointed by the Mayor, and may include both Councilmembers (no more than two) and non-Councilmembers.
2. 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.

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3. 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.
4. A task force chair shall be selected by the task force unless the Mayor directly appoints a person to serve as chair.

B. 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:

1. 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.
2. 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.
3. The task force exists until it accomplishes its mission or is otherwise terminated by the Council.
4. The task force chair shall be selected by the task force unless the Council directly appoints a person to serve as chair.

IV. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager’s Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also:

Policy 7.4.14 Legislative Advocacy Positions

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's Web site or in the Office of the City Clerk)

Additionally, the Legislative Advocacy Positions identify the City's broad advocacy positions on issues and legislation. As defined by the General Plan (Policy 7.3B4), the Legislative Advocacy Positions are short-term in nature, typically speak to pending legislation and current issues, and support the General Plan and guide Council and staff on intergovernmental matters. They are a component of the City's Council Policies, which provide guidelines for City action in all areas of City business. City business is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success.

POLICY STATEMENT:

- I. Each year the City Manager shall present for Council's consideration draft Legislative Advocacy Positions. Once approved by City Council, these "advocacy positions" become the official City advocacy position on pending legislation.
- II. The LAP is utilized by Councilmembers and staff throughout the year to determine City positions on legislation and intergovernmental issues and minimizes the need for staff to request direction from Council on legislation and issues as they arise. The LAP should not duplicate policies already cited in other Council Policy documents, i.e. the Council Policy Manual, General Plan, Municipal Code, etc.
- III. During the year, staff monitors and researches pending legislation to identify bills that could significantly impact Sunnyvale. Research actions range from web site research to contacting legislative analysts in government offices and city associations. Staff may also conduct limited advocacy should issues arise throughout the year that significantly impact the City, and if Council positions have previously been established by the LAP.
- IV. To consolidate documents, underscore important issues, and focus the City's limited advocacy resources, Policy 7.4.14 includes the City's annual priority issues. Council developed the concept of the LAP in 1982 (RTC 82-590). Following annual Council approval, the current year's City Priorities and Legislative Advocacy Positions are attached to this policy.
- V. Implementation.
The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a

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new Councilmember is seated, the Mayor and City Manager should review this policy with them.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: RTC 95-018 (1/17/1995); Amended: 96-016 (3/23/1996), 97-002 (1/14/1997), 98-008 (1/13/1998), 98-246 (7/14/1998), 98-264 (7/21/1998), 98-304 (8/18/1998), 99-009 (1/12/1999), 00-020 (1/25/2000), 01-002 (1/9/2001), 02-018 (1/15/2002), 03-021 (1/14/2003), 04-018 (1/13/2004) 05-009 (1/11/2005); (Clerical/clarity update, Policy Update Project 12/2005); 06-038 (2/7/2006); (Index added 5/22/06); 07-036 (01/30/2007); Clarity update (6/21/07); 08-063 (2/26/08); 09-046 (2/24/09); 10-016 (1/26/10); 11-022 (2/8/11); Adopted: RTC 12-009 (2/7/12); Amended: RTC: 12-048 (2/28/12); Updated for clarity (9/5/12); Adopted w/ modification: RTC: 13-020 (1/29/13); Adopted w/ modification: RTC 14-006 (1/7/14); Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Adopted w/ modification: RTC: 15-008 (1/6/15); Adopted w/ modifications: RTC 16-0005 (1/5/16); Adopted w/ modifications: RTC 17-0011 (1/10/17); Information Only RTC 17-0132 (1/24/17); Adopted w/ modifications: RTC 17-0632 (6/20/17); Adopted w/ modifications: RTC 18-006 (1/9/18); Adopted: RTC 18-1064 (1/15/19); Adopted RTC 20-0253 (2/25/20); Adopted w/ modifications: RTC: #21-0025 (January 12, 2021); RTC: #22-0061 (January 25, 2022); RTC: 23-0158 (January 24, 2023); Revised RTC 24-102 (January 30, 2024))

Lead Department: Office of the City Manager

For Reference see also: 7.4.15 Council Advocacy, 7.4.16 Ballot Measure Positions.

2024 Priority Advocacy Issues

1. Investment Funding and Local Strategy for Workforce Development

(A) Support proposals that call for increased funding for workforce development programs.

- NOVA Workforce Services has experienced a significant increase in demand for services over the past year that is expected to continue in 2024. This requires increased funding. In 2022, the number of WARN notifications from employers was 64, impacting 4,567 affected workers. In 2023, that number dramatically increased to 306 WARN notifications, impacting 15,785 affected workers.
- The local workforce development system is facing even greater challenges in addressing the devastating economic effects from COVID-19. This has impacted industries, in particular the travel, hospitality and retail industries, and their workforce. Workers who are unable to return to those occupations will require reskilling for emerging industries.

(B) Support the reauthorization of Workforce Innovation and Opportunity Act (WIOA) that focuses on local strategy, flexibility in funding, system improvement, and innovation.

- Given the financial constraints in state and federal government and uncertainty with Congressional priorities, workforce development funding is vulnerable in 2024. Changes could threaten the sustainability of these essential systems and regional economic recovery.
- WIOA represents the foundational legislation for local workforce boards. WIOA reauthorization legislation, H.R. 6655, Stronger Workforce for America Act, was introduced in the U.S. House of Representatives in 2023. It was passed by the House Committee on Education and the Workforce on Dec. 12, 2023, and will move to the House floor. WIOA reauthorization legislative proposals are expected to move forward in 2024 and will significantly impact NOVA Workforce Services.

2. Interoperability/Public Safety Communications System

(A) Support resolving interoperability problems that affect emergency communications systems, remedying the current shortage of broadband spectrum availability for public safety needs, and providing funding for interoperable equipment.

- SB 719 (Becker) regarding radio communications is expected in 2024 which can create significant cost and logistical challenges for law enforcement agencies.
- Ensuring that our nation's emergency responders can communicate using readily available technology is of the utmost importance.

(B) Support an efficient, sustainable high-speed nationwide broadband network dedicated to public safety.

3. Environmental Regulatory & Conservation Issues

- (A) Support legislation, regulation and permitting that addresses the infrastructure needed to process the additional organics required to meet state goals and overcome funding, siting, land use and environmental permitting challenges.
- (B) Support legislation that provides funding for local agencies to build infrastructure to utilize organic waste to produce renewable energy or biofuels.
- Advocate that the state budget maintains funding for green investments as it reduces methane emissions while also producing renewable energy.
 - In September 2015, CARB announced its intent to reduce landfill disposal of food waste and other organics by 2025 in hopes of further reducing methane emissions from landfills.
 - SB 1383 (Lara) reinforced CARB's focus on diverting organics from landfill. The bill establishes 2014 disposal as a baseline, then sets a state target of reducing organic disposal 50% by 2020 and 75% by 2025.
- (C) Advocate that Sunnyvale's infrastructure and community assets are considered and protected as the Bay Area plans and constructs resiliency and restoration projects and advocate that the U.S. Army Corps of Engineers proceed with studies in a timely manner.
- Shoreline areas along San Francisco Bay, including Sunnyvale, risk damages from coastal flooding, with potential impacts to human health and safety, due to future sea level rise.
 - The South San Francisco Bay Shoreline Project is a Congressionally authorized study by the US Army Corps of Engineers together with the Santa Clara Valley Water District and the State Coastal Conservancy to identify and recommend flood risk management projects for Federal funding.
 - The shoreline areas of Sunnyvale are included in a proposed Phase III of the Shoreline Project.

Promote Building Electrification

- (D) Advocate for state policies that allow for all-electric building requirements e.g. Reach Codes.
- Building electrification is a critical pathway for achieving State GHG goals, as identified in California Air Resource Board's 2022 Scoping Plan. However, these reach codes may be invalid due to recent case law interpreting reach codes as pre-empting federal energy policies. The State may need to get exemptions from the Federal Government to allow the State to continue using reach codes.
- (E) Advocate for building electrification programs that educate and incentivize transitioning to all-electric buildings.
- (F) Support policies that enable transitioning from natural gas.

4. Use of Unmanned Aircraft Systems (UAS) by Law Enforcement and First Responder Immunity when interfering with Unmanned Aircraft Systems

- (A) Support legislation that allows local governments to adopt ordinances governing the safe use of UAS; places reasonable restrictions on law enforcement regarding use of unmanned aircraft systems; and releases liability restrictions on law enforcement agencies that interfere with drones posing a threat to emergency services.

5. Affordable Housing, Homelessness, and Land Use

Affordable Housing

- (A) Encourage the efforts of the Bay Area Housing Finance Authority to create of a regional affordable housing bond measure to address regional housing needs and to distribute funds fairly throughout the region.

Homelessness

- (B) Encourage State and Federal governments to expand supportive services (including rental assistance, case management, and mental health services) to address the needs of residents who are chronically homeless.

- (C) Support the County in its efforts to establish facilities, housing, and programs for homeless residents and to fairly distribute them in jurisdictions throughout the County.

- Although the number of unhoused people in Sunnyvale has fluctuated in recent years, California continues to have the highest rate of homelessness, specifically unsheltered homelessness, in the country. Meeting the needs of the unhoused population remains a top concern for residents in the City and across the region.
- To address the homelessness crisis, additional resources are needed for permanent supportive housing, rental assistance, supportive services (including case management, and mental health services), and expanded emergency shelter capacity.

Housing Element/Land Use

- (D) Strongly encourage the State government to create policies that balance increased housing production for all income levels while preserving land use policy making for cities that accommodate their share of new housing. Support legislation that would enable preservation of sites for an appropriate balance of conveniently located range of uses including retail/commercial services, places of assembly, public open spaces, and public services.

6. Engagement with the Federal Aviation Administration Regarding Airplane Noise

(A) Oppose legislation, policies, regulations, guidelines, or procedures that would result in an increase in aircraft noise impacts on Sunnyvale residents without an increased benefit to the community.

- Sunnyvale is concerned about the current and projected growth of flight operations into San Jose International Airport without a plan to mitigate airplane noise and emissions over its residents.
- Residents continue to express dissatisfaction with a lack of an integrated model for reporting airplane noise in the region.
- Residents have experienced an increasing and disproportionate impact from airplane noise in our neighborhoods.

(B) Support efforts to work with regional agencies and federal representatives and authorities to mitigate the effect on Sunnyvale residents.

- The City continues to track air noise activity on multiple fronts and from multiple sources that impact our residents.
- In Sunnyvale, the source of air noise comes from various activities from regional international airports, general aviation airports, and Moffett Federal Airfield.
- Encourage the Federal Aviation Administration (FAA) to engage with local jurisdictions and provide solutions to the complex airspace issues. The FAA rulemaking, which could lead to changes in the airspace, should include a robust community engagement process with potential affected communities.

2024 Legislative Advocacy Positions

No additional short-term Advocacy Positions have been identified for 2024 that aren't already reflected in the 2024 Priority Advocacy Issues.

Policy 7.4.15 Council Advocacy

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

I. Taking a Position on a Legislative Issue.

Councilmembers or staff wishing to take a position on a legislative issue must first determine whether an official City position already exists. If unsure, Councilmembers should consult the City Manager who will direct a staff search of existing policies. If a City position already exists, the Mayor is the official spokesperson for the City. Councilmembers must not express conflicting opinions unless they clearly identify the City's official position and clarify that theirs is a minority viewpoint in conflict with the City's position. If an official City position does not already exist, the Councilmember must first decide whether or not the issue warrants being agendized for Council consideration. If so desired, the Councilmember should alert the Mayor and the City Manager, who will agendize the issue for future Council consideration. Staff will prepare a Report to Council discussing the pending legislation and providing a staff recommendation to either support, oppose or take no position regarding the legislation.

II. Advocacy.

The Mayor or his/her designee shall make all advocacy telephone calls in cases when the City takes a position on a piece of legislation or issue and when a telephone call is deemed the most effective means of advocacy. Brief talking points may be prepared/coordinated by department IGR Liaisons that include: Specific information regarding who to call including name, title, and phone number(s); applicable existing City policy that supports taking an advocacy position; and a couple of brief talking points that include the specific action requested. Just as in the case of written IGR advocacy correspondence and before being routed to the Mayor, all telephone talking points in which the City takes a position on a piece of legislation or issue must be approved by the department director. A copy of all telephone talking points in which the City takes a position on a piece of legislation or issue shall be placed in the Mayor's Correspondence File (accessible to all Councilmembers for review). City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and IGR Officer shall be copied on all IGR-related correspondence.

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Upon request, staff may contact staff of federal, state or county elected or officials to perform advocacy on legislation or issues that may significantly impact the City of Sunnyvale and for which existing City policy exists.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For Reference, see also: 7.4.14 Legislative Advocacy Positions; 7.4.16 Ballot Measure Positions.

Policy 7.4.16 Ballot Measure Positions

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

I. Council Action on Ballot Measures.

- A. As soon as possible following the release of the Secretary of State's *Official Voter Information Guide (Guide)* or the Santa Clara County Registrar of Voter's *Voter Information Pamphlet (Pamphlet)*, staff will present to Council a report reviewing proposed ballot measures. (Should Council want to review proposed ballot measures prior to the release of the *Guide* or *Pamphlet*, Council should request such a review of the city manager; in this instance, the report will most likely not include staff analysis.)
- B. Staff shall provide analysis and a position recommendation of only those ballot measures that directly impact City business. Consistent with Council Policy 7.3.2, *Legislative Advocacy Positions*, City business is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success. All measures deemed not City business will be presented via the same report for potential Council Action, however, will not include staff analysis. If staff is unclear about whether a specific measure affects City business staff shall consult the Mayor and Vice Mayor with an initial review of the measures and a proposed designation of City business or not City business.
- C. Any ballot measure issue that is already covered by City policy will include a citation and summary of that policy. Ballot measure issues which are not covered by existing policy will include staff analysis of potential impacts to City operations or fiscal impacts.

II. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

COUNCIL POLICY MANUAL

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.14 Legislative Advocacy Positions; 7.4.15 Council Advocacy