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)~~(I) 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)~~(II)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.

- 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

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.

(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

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~~Input on Council Priority Projects (CPP) Process

Annual Invitation for Input

- Each Fall, the staff liaison for every board and commission shall ask whether the body would like to agendize a discussion of potential ideas for future Council Priority Projects.

- Such discussions shall be scheduled no later than the board or commission's November meeting.
- Participation is optional.

Format of Discussion

- If agendized, the discussion shall be verbal only.
- No study issue papers, staff reports, or written analyses shall be prepared in advance.
- Staff liaisons and/or department management shall attend the discussion to:
  - Provide factual information as needed.
  - Clarify potential overlap with existing or planned City projects.
- ~~Boards and commissions shall not rank or prioritize proposals; this responsibility remains solely with the City Council.~~

Forwarding of Ideas to Council

- Following discussion, a board or commission may, by majority vote, forward one (1) potential Council Priority Project idea to the City Council for consideration.
- These ideas will be transmitted by the Board and Commission Staff Liaison to the City Manager to be added to a running list of CPP ideas.
- Council may decide to include the ideas in their annual priority projects discussion if they choose (each Councilmember will be limited in the number of project ideas to submit annually).

~~The Study Issues process is designed to assist City Council with setting priorities for the coming calendar year. Board and commission members have two roles in this process:~~

- ~~To advise Council regarding the identification of policy issues to study.~~
- ~~To advise Council on those issues Council has decided to study.~~

~~Within one month of origin, new study issue papers sponsored by Council or a board or commission will be presented to respective boards or commissions, or at the next regular meeting of the respective board or commission.~~

(c) Budget

Board and commission members have two roles in the budget process:

- To advise Council regarding the identification of Budget 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.
- 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 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:

- 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 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. Board and commission members are not authorized to respond to emails received by board/commission AnswerPoint email accounts except as described below under (b).

(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. Board and commission members may respond to emails received by board/commission AnswerPoint email accounts in order to schedule private meetings with community members to receive public input. When communicating with members of the public regarding AnswerPoint email, board and commission members shall advise the member of the public that they are speaking on their own behalf and that their statements and views are not an official City response to the email. Public comment regarding agenized items of business for board and commission members should take place at the public board and commission meetings.

(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 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 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), Revised by RTC 24-1211 (12/10/2024); Amended RTC 25-0569 (10/21/2025))

Lead Department: Office of the City Manager