



# City of Santa Clara

## Call and Notice of Special Meeting

### City Council Agenda

Thursday, December 13, 2018

9:30 AM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

### City Council Session on Governance

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the undersigned calls for a Special Meeting of the City Council of the City of Santa Clara to commence and convene on December 13, 2018, at 9:30 AM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

#### I. Welcome

- a. Call to Order
- b. Pledge of Allegiance and Statement of Values
- c. Roll Call

#### II. Public Comment

*[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]*

#### III. City Manager Overview

#### IV. Review of Agenda and Objectives for the Session

##### 18-1548 [City Council Session on Governance](#)

- OBJECTIVES:**
- a. Create a shared understanding of high performance governance and what it means for the City of Santa Clara.
  - b. Establish a consensus on how governance within the new district election system will look and acknowledge the "unknowns," e.g. current lawsuit and advisory vote.
  - c. Begin discussion with the new Council and staff to discuss key guiding principles and processes around the new governance system.

**V. High Performance Governance: Bridging the Gap Between Political Acceptability and Operational Sustainability**

*(approximately 2 hours)*

*\*Council will break for lunch at approximately 12:00 PM.*

**VI. Consensus on How We Will Govern in a New Governance System**

*(approximately 2.5 hours)*

- a. Principles and protocols
- b. Processes
- c. Guidelines

**VII. Adjournment**

The next regular scheduled meeting is on Tuesday evening, December 18, 2018 in the City Hall Council Chambers.



## Agenda Report

18-1548

Agenda Date: 12/13/2018

### REPORT TO COUNCIL

#### SUBJECT

City Council Session on Governance

#### BACKGROUND

On December 13, 2018, the City Council will convene to discuss governance and its implications in a council-district system.

As background, historically Councilmembers have been elected by an at-large election system. Based on a court-order issued to the City of Santa Clara in July 2018, the City moved from an at-large Councilmember election system to a district-based Councilmember election system. On November 6, 2018, Councilmembers Chahal and Hardy were elected to the Santa Clara City Council through district-based elections for Districts 2 and 3, respectively. As a result, the currently seated Council is comprised of four at-large elected Councilmembers and two elected by district. The Mayor continues to be elected at-large. The implications for changed governance need to be surfaced and reviewed by the City Council to ensure that values and goals supporting the City Council's duties are completed with intentional governance.

In addition, on November 6, 2018, Santa Clara residents were asked to vote on the Advisory Ballot Measure (Measure N):

*"Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?"*

The measure passed with 70.4% voter approval and may have additional implications on the current governance system. Staff will be developing a workplan in early 2019.

Lastly, the City is also engaged in an appeal to the CVRA lawsuit, which may have additional impacts. The combination of all these factors requires focused discussion on City Council governance in the context of a changed structure for how the City elects City Councilmembers.

#### PURPOSE OF SESSION

Dedicating time to discuss how to govern with intention through this transition and the potential implications for such a transition is important so that the Council can establish a set of values or rules of engagement and frequently assess governance over time. The Council will be well served by a deliberate and focused conversation on this topic of governance and any potential transition issues that need to be recognized as the City continues to operate and implement Council direction.

Thus, with the goal of having a shared understanding of our governance structure, this session is meant for the City Council and Executive Staff to be intentional about the values and expectations

that will serve as a foundation of how the Council governs, as well as how the organization will react to the changed governance structure. This session also provides an opportunity for discussions around developing a common understanding around priorities and to stress the importance of a shared vision of what success looks like. This session will assist the Council and staff in navigating potential issues, mitigating unintended consequences, and promoting the desired outcomes.

Therefore, this session will provide the opportunity for the Council to:

- Create a shared understanding of high performance governance and what it means for the City of Santa Clara
- Establish a consensus on how governance within the new district election system will look and acknowledge the “unknowns,” e.g., current lawsuit and advisory vote
- Begin discussion with the new Council and staff to discuss key guiding principles and processes around the new governance system
- Identify Council values, i.e. what is maintained, what is prevented, which areas serve to better Santa Clara, and what operational structure best supports this transition.

The City’s executive and management teams have also begun work in this area. In late October, two meetings were held to prepare the organization for potential changes as a result of the new governance system. A summary of those two sessions will be provided at the December 13 meeting.

## Facilitators

The City is working with two highly-qualified facilitators for this session:

- **Dr. John Nalbandian** is a professor at the University of Kansas and also a former Mayor. He has made many presentations to city councils throughout California, including at League of California Cities conferences, and has recently facilitated discussions with both the City’s management and executive leadership teams.
- **Jan Perkins** is a former city manager and Senior Partner with Management Partners, the firm which assisted the City during the council districting process. Jan facilitates many city council workshops throughout the state as well as consults on other issues.

Both facilitators are quite familiar with cities whose councilmembers are elected by district and at-large and they will be bringing those experiences to this workshop.

To assist with these discussions, the following documents are attached:

1. **Attributes of Exceptional Councils:** issued by the Institute for Local Government, this resource provides insight into the attributes that help make Councils highly effective, as well as practical tips in developing those traits.
2. **Public Service Values and Everyday Examples:** this list of public service values and examples serves to illustrate the priorities involved with making decisions in public service.
3. **Santa Clara’s Code of Ethics and Values:** this code was adopted by the City Council in March of 2000 (and modified in August 2001) to provide clear, positive statements of ethical behavior reflecting the core values of the community and serves as a touchstone for members of boards, commissions, and committees in fulfilling their roles and responsibilities.
4. **Santa Clara Statement of Values:** this statement is read before each City Council meeting and reflects the values and priorities of the Council and their service.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Attributes of Exceptional Councils
2. Public Sector Values and Everyday Examples
3. Santa Clara's Code of Ethics and Values
4. Santa Clara Statement of Values

# Attributes of Exceptional Councils

Leading public organizations and governing with colleagues on a council is a challenging art of community service. The Institute recognizes that many aspects of leadership and governance are not intuitive. This piece is intended to provide councilmembers and city managers insight into the attributes of exceptional councils as well as provide practical tips to help them become exceptional.

## 1. Exceptional councils develop a sense of team – a partnership with the city manager to govern and manage the city

The mayor, councilmembers and city manager see themselves and work as a team as they undertake a series of tasks to further their common purpose. The individual team members work in a coordinated and collaborative manner with a high degree of respect, trust and openness. The team values diversity in style and perspective. The team thinks and acts strategically as it examines issues/situations and decides on a course of action serving their city's mission and goals.

### KEY CHARACTERISTICS

- Successfully transition from candidate to a member of the council.
- Become a champion of the city. Make decisions based on the needs and interests of the community at-large / the greater good.
- Develop, communicate and support policy goals and council decisions.
- Demonstrate a willingness to work collaboratively (as a team) and have a citywide perspective.

### BEST PRACTICE TIPS

Build capacity to create a more effective team. The governance team (mayor, councilmembers and city manager) should get to know each other; how each person approaches issues, decision making style and so on. This can be accomplished at annual meetings or workshops through-out the year. In the event that councilmembers disagree, clear ground rules (norms of behavior and practice) can help quell acrimony before it becomes a problem. It's important to remember that trust is built around understanding and respect, not necessarily agreement.

## 2. Exceptional councils have clear roles and responsibilities that are understood and adhered.

Exceptional councils understand their role is to serve as policy maker - to represent the values, beliefs and priorities of their community while serving in the community's best interest. They carry out a variety of responsibilities including: developing and adopting a vision for the city; focusing and aligning plans, policies, agreements and budgets in furtherance of this vision; and holding themselves and the city manager accountable for results.

Exceptional councils understand that the city manager is responsible for the day-to-day operations of the city. The city manager is responsible for undertaking and accomplishing the policy objectives of the council. Exceptional councils recognize the subject matter expertise of staff and utilize their knowledge and experience to guide and inform decision making.

### KEY CHARACTERISTICS

- Understand the role of local government and their responsibilities.
- Know their role- to set vision and policy, avoid micromanagement.
- Councilmembers should strive to be informed about the issues facing the city and be prepared to ask questions of staff and each other.

### BEST PRACTICE TIPS

Create a shared understanding of the city manager's role and the council's expectations to optimize the working relationships. This shared understanding is informed by local charter and ordinance provisions that provide the overall framework for the relationship. The council should make time to have conversations during retreats and or study sessions to define and/or reveal and refine their role and responsibilities. Since role clarity between the city council and city management is critical to mutual success, having clear protocols helps avoid misunderstandings.

### 3. Exceptional councils honor the relationship with staff and each other

Exceptional councils understand that a good working relationship with staff is vital for the city to be run successfully. Exceptional councils treat each other and staff with dignity and respect. They act with civility and a high level of professional decorum. Councilmembers build trust by not playing the “gotcha game” and strive to have a no secrets, no surprises approach as an operating norm. Finally, they respect the diversity of styles and perspectives among their colleagues and staff and are open to new ideas.

#### KEY CHARACTERISTICS

- Councilmembers have the ability to respectfully disagree (to disagree without being disagreeable). They are able to leave it at the dais; debates are about policy, not personality.
- Exceptional councilmembers reflect positive decorum/model of leadership by providing respectful tone with colleagues.
- Establish a set of behaviors ahead of time, potentially documented in a code of conduct, to help promote civility and respect.

#### BEST PRACTICE TIPS

Set council priorities and strategic goals at an annual meeting; these goals and priorities are a tool to guide the city manager and staff on where to focus their efforts. This annual meeting provides time for the council to reflect on community priorities as well as offer an opportunity to discuss their decorum and their relationship among each other and the relationship between the city manager/staff and the council.

### 4. Exceptional councils routinely conduct effective meetings

Open and public meetings are central to democratic decision-making. Exceptional councils master the art of effective meetings. They develop and adhere to meeting protocols and processes. They spend time planning and organizing the agenda with the aim of having a more focused meeting. They allocate the council’s time and energy appropriately (focused on the council’s role and responsibilities) and meeting short- and long-term priorities. They honor the public’s participation and engagement and they generally start on time and are held during reasonable hours.

Exceptional councils use public meetings not only for their intended purpose, information sharing and decision-making,

#### KEY CHARACTERISTICS

- Councilmembers are respectful of each other, the public and everyone’s time.
- Councilmembers use engaging body language as a way to demonstrate respect.
- Issues are not personalized, thoughtful dialogue is the objective.
- Agenda packets are read, councilmembers come prepared and have an open mind
- Respect is demonstrated for varied opinions.
- Everyone strives to be civil and act with decorum.



but they also use the meeting to demonstrate respect and civility for each other, staff and the public. Exceptional councilmembers prepare in advance of the meeting, remain focused on the city goals and objectives and mindful of their role and responsibilities.

### BEST PRACTICE TIPS

Develop and adopt (with regular reviews and updates), guidelines for conducting meetings and making decisions. These governance protocols typically address meeting procedures (agenda preparation, how to put issues on the agenda, debate and voting procedures (parliamentary rules) and standards of decorum (civility)). As part of a regular self-assessment, councils should evaluate their meetings and their effectiveness and adjust behavior and practices for better results.

## 5. Exceptional councils hold themselves and the city accountable

Exceptional councils operate openly, ethically and work to engage the community in a myriad of decisions impacting the prosperity and well-being of their community. Toward that end, exceptional councils consistently provide short- and long-term strategic direction and goals, as well as provide budget, program and policy oversight.

Exceptional councils hold themselves accountable for the conduct, behavior and effectiveness of the council. They establish clear priorities and goals and hold the city manager accountable for results. And finally, they embrace accountability as a process and tool to calibrate ongoing efforts to address and meet policy and program objectives.

### KEY CHARACTERISTICS

- Councilmembers operate ethically and with integrity.
- Councils conduct team building / goal setting exercise to track progress towards mutually agreed upon goals
- Councils taking responsibility for the results (good and bad).
- Councils celebrate success.
- Councilmembers hold themselves responsible for adhering to operating protocols and codes of conduct.

### BEST PRACTICE TIPS

Annually evaluate council and city manager performance toward achieving the city's priorities and goals (consider having this be part of an annual goal setting meeting). Council should consider assessing its own behavior and effectiveness as part of its annual self-assessment.

## 6. Exceptional councils have members who practice continuous personal learning and development

Governance is not intuitive. In addition, the policy and economic environment impacting cities are ever changing. Exceptional councils continually provide the opportunity to build their knowledge and skills, to enhance their understanding of key issues, increase their awareness of best practices and sharpen their leadership and governance skills.

### KEY CHARACTERISTICS

- Stay informed on key issues
- Gain key insights and knowledge on all aspects of governing, from budgets to plans and everything in between.
- Learning to listen is sometimes more important than learning to give a speech.

### BEST PRACTICE TIPS

Seek out national, state and local professional growth and educational opportunities. These opportunities can focus on the nuts and bolts of governing to helping you gain valuable information and/or insights on key policy issues facing your city. In addition, city run orientations for newly elected officials provide a good way to acclimate new members to the council's norms and protocols as well as the budget and key policy issues.

# PUBLIC SERVICE VALUES

School of Public Affairs and Administration  
University of Kansas

Frequently, when we think of values, qualities like honesty, reliability, love and sincerity come to mind. These are values--deep-seated beliefs that lead to judgments about right and wrong--but they have to do with individuals and how we lead our lives individually.

*Public service values* influence public policy development, implementation, evaluation, and governance design, as opposed to the lives of the individuals who make policy and program decisions. The primary public service values in our culture in response to public wants and needs are *accountability, efficiency and effectiveness, social equity, diversity, and justice*.

**Accountability/Representation:** Government and public service providers answer to the will of the people. In government, there is a deep seated belief that the wishes of citizens should be represented by elected officials in governing bodies. In other types of public service providers, such as nonprofit organizations and public service enterprises, managers and decision-makers are held accountable to their trustees and governing bodies according to their public service mission. If a public policy or public program is going to have an impact on a group of citizens, that group should have the opportunity to be heard. Regardless of the accountability mechanisms, either through representative or trustee, public expressions of preferences are to be acknowledged. And, public involvement in the governing process is essential for legitimacy of governing processes.

**Efficiency and Effectiveness:** Citizens expect public service providers to be run prudently and for programs and policies to achieve intended outcomes, not only in the short run but also in the long run. This is accomplished through cost-consciousness and rational, analytical decision making and through an emphasis on expertise and professionalism, planning and merit. As such, this value goes beyond financial sensitivities and emphasizes the need for policymakers and program managers in public service organizations to be responsive to diverse outcome expectations of the public and also be good stewards of public resources.

**Social Equity and Diversity:** Frequently, citizens are differentiated by physical conditions, ethnical, economic, work, age, gender, and social background, as well as by political, social, and cultural preferences. Public service providers are expected to respect these differences and treat all citizens equally in policymaking and program implementation and strive to provide equal opportunities for all.

**Justice/Individual Rights:** Citizens are granted property rights and civil rights through

ordinances, statutes and laws, and the constitution. They also have the right to due process that protects them from arbitrary decisions by majorities or by those who govern, and are to be treated equally before the legal system despite their individual background. Both elected and non- elected decision-makers are expected to respect these rights in the processes of policymaking, implementation, evaluation, and adjudication.

While we cherish each value, it is a common observation that one cannot optimize all four values simultaneously. Thus, policymaking and managerial decisions focus not only on outcomes and policy goals, but also upon ways of accommodating these four values in order to connect what is politically and socially acceptable with what is administratively feasible and sustainable. One's political philosophy can be expressed as preferences for one value over another.

## **EVERYDAY EXAMPLES OF VALUES IN PUBLIC POLICY**

### Representation

- Homeowners say, “We have a petition signed by 20 residents on our block requesting a stop sign at 4<sup>th</sup> and Elm.”
- A group of citizens who supported you in your last election remind you, “You pledged to hold the line on taxes and now you are talking about raising taxes. That’s not what we elected you for.”
- A group of citizens says, “The city ought to be paying more attention to the welfare of its children. We’ve heard teenagers say they have no place to go at night. For their well-being and that of the city as a whole, we should build a teen center.”

### Efficiency/Effectiveness/Professionalism

- Staff says to the council, “At your request, we now have available a comprehensive parks and recreation master plan, and for your consideration we would like to develop a five year capital improvements budget to implement it.”
- A budget shortfall leads the chief administrative officer to consider layoffs. One of the alternatives presented to council is to make any layoffs based on job performance of the employees.
- The public works director is having a difficult time with the city’s director of neighborhood development on a road project. The public works director argues that according to the engineering consultant’s design, the best route will take the road parallel to 11<sup>th</sup> street. The director of neighborhood development argues that the preferred route will split an existing neighborhood.

### Social Equity

- A representative of the neighborhood association argues that the city wants to build an addition to its motor pool on the east side of town because that’s where the poor people live. The representative says, “You wouldn’t think of putting it on the west side of town.”
- The diversity officer reminds the city manager that a layoff policy based on “last hired, first fired” will have a disproportionate effect on minorities who were hired as part of the affirmative action program.
- The city council, elected at-large, wants a report from the city manager on the distribution of funds for infrastructure repair. There is some concern in town that more money is going to new development compared to the older parts of town.

### Individual Rights

- A new road is being built and an environmental group argues that to preserve green space the city ought to require a significantly greater setback than it presently does. The land owners along the route indicate their displeasure saying, “If the people want my land for green space, they should buy it.”
- The fire fighters union objects to layoffs based on performance because it gives too much discretion to supervisors who it contends will play favorites. Union spokespersons argue that employment decisions should be based on seniority.
- An angry group of parents confronts the city commission and says, “The city should put a crossing guard at 9<sup>th</sup> and Kentucky. Our children have a right to cross the street safely on their way to school.”



# City of Santa Clara, CA

## Code of Ethics and Values

### PREAMBLE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

### 1. As a Representative of the City of Santa Clara, I will be *ethical*.

#### In practice, this value looks like:

- a.) I am trustworthy, acting with the utmost integrity and moral courage.
- b.) I am truthful, do what I say I will do, and am dependable.
- c.) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d.) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e.) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f.) I show respect for persons, confidences, and information designated as "confidential."
- g.) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

### 2. As a Representative of the City of Santa Clara, I will be *professional*.

#### In practice, this value looks like:

- a.) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b.) I approach my job and work-related relationships with a positive attitude.
- c.) I keep my professional knowledge and skills current and growing.

### 3. As a Representative of the City of Santa Clara, I will be *service-oriented*.

#### In practice, this value looks like:

- a.) I provide friendly, receptive, courteous service to everyone.
- b.) I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c.) In my interactions with constituents, I am interested, engaged, and responsive.

**4. As a Representative of the City of Santa Clara, I will be *fiscally responsible***

**In practice, this value looks like:**

- a.) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b.) I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c.) I make good financial decisions that seek to preserve programs and services for City residents.

**5. As a Representative of the City of Santa Clara, I will be *organized*.**

**In practice, this value looks like:**

- a.) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b.) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c.) I am respectful of established City processes and guidelines.

**6. As a Representative of the City of Santa Clara, I will be *communicative*.**

**In practice, this value looks like:**

- a.) I convey the City's care for and commitment to its citizens.
- b.) I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c.) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

**7. As a Representative of the City of Santa Clara, I will be *collaborative*.**

**In practice, this value looks like:**

- a.) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b.) I work towards consensus building and gain value from diverse opinions.
- c.) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d.) I consider the broader regional and State-wide implications of the City's decisions and issues.

**8. As a Representative of the City of Santa Clara, I will be *progressive*.**

**In practice, this value looks like:**

- a.) I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b.) I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c.) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

*Approved by City Council on April 4, 2000; modified by Council on August 21, 2001*



# City of Santa Clara, CA

## Statement of Values

### **STATEMENT**

As we gather this evening, we humbly seek the blessings upon this meeting.

May we act with strength, courage and will to perform our obligations and duties to our people with justice to all.

Let us seek wisdom so that we may act in the best interest of our people, our neighbors, and our country.

All this we ask so we may serve our community with fairness and respect, putting their needs before all.

*The Statement of Values is read after the Pledge of Allegiance at each City Council meeting.*