



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Monday, September 14, 2020

3:00 PM

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

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:

- o <https://santaclaraca.zoom.us/j/97015480911>

Meeting ID: 970 1548 0911 or

- o Phone: (669) 900-6833

- Submit comments via email to mayorandcouncil@santaclaraca.gov.

For those individuals that do not have the above access, the City Council Chambers have been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. A limited number of staff will also be present.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

20-254 [Governance and Ethics Committee Minutes of February 10, 2020](#)

Recommendation: Approve the Governance and Ethics Committee minutes of February 10, 2020.

PUBLIC PRESENTATIONS

GENERAL BUSINESS

1. **20-311** [Discussion and Possible Action on a Joint Meeting with West Valley-Mission Community College District Board of Trustees](#)

Recommendation: That the Governance and Ethics Committee recommend that the City Council approve holding a publicly noticed joint meeting with the West Valley-Mission Community College District Board of Trustees.

2. **20-313** [Discussion and Consideration of Approving a New Boards, Commission and Committee Policy](#)

Recommendation:

1. Recommend that the City Council enact ordinances that clearly set forth the composition of the membership of each commission and the scope of the commission's jurisdiction; and
2. Approve the revised Boards and Commissions Policy that will be included in the Boards, Commissions, and Committee handbook.

3. **20-314** [General Discussion and Possible Input on Various City Governance Policies](#)

3.A. Council Policy 030 Entitled "Adding an Item on the Agenda"

3.B. Council Policy 042 Entitled "Reconsideration of Council Action"

3.C. City's Early Consideration Policy for General Plan Amendment Applications

Recommendation: Provide input on Council Policy 030, Council Policy 042, and the City's Early Consideration Policy for General Plan Amendment applications.

4. **20-786** [Review of Newly Added Planning Commission Policies and Procedures, and Direction Regarding Management of Agenda-Related Requests from Boards and Commissions](#)

Recommendation: Provide direction to staff on the Committee's desired approach to managing agenda related requests from Boards and Commissions.

5. **20-315** [Verbal Update on Dark Money Ordinance and Other Election Related Items](#)

COMMITTEE MEMBERS REPORT

ADJOURNMENT

The Governance and Ethics Committee meeting is adjourned to December 7, 2020.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
@SantaClaraCity

Agenda Report

20-254

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Governance and Ethics Committee Minutes of February 10, 2020

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee 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 or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the Governance and Ethics Committee minutes of February 10, 2020.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Governance and Ethics Committee Minutes of February 10, 2020



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

02/10/2020

3:00 PM

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

CALL TO ORDER AND ROLL CALL

Present 2 - Chair Teresa O'Neill, and Member Lisa M. Gillmor

Absent 1 - Member Debi Davis

CONSENT CALENDAR

[20-167](#) Governance and Ethics Committee Minutes of November 21, 2019

Recommendation: Approve the Governance and Ethics Committee minutes of November 21, 2019.

A motion was made by Member Gillmor, seconded by Chair O'Neill, and unanimously carried that, the Committee approve the Governance and Ethics Committee meeting minutes of November 21, 2019.

Aye: 2 - Chair O'Neill, and Member Gillmor

Absent: 1 - Member Davis

PUBLIC PRESENTATIONS

Resident Paul Creger made general comments regarding the Santa Clara City Charter.

GENERAL BUSINESS

1. [20-158](#) Approval of the 2020 Governance and Ethics Committee Workplan

Recommendation: Approve the 2020 Governance and Ethics Committee Workplan.

The City Manager presented on the proposed 2020 Governance and Ethics Committee Workplan. A motion was made by Chair O'Neill, seconded by Member Gillmor, and unanimously carried, that the Committee approve the 2020 Governance and Ethics Committee Workplan and direct staff to poll for a special Committee meeting in March or April to accelerate the capacity study item.

Aye: 2 - Chair O'Neill, and Member Gillmor

Absent: 1 - Member Davis

2. [20-1409](#) Action on the Police Department's Recommendation to Name the Police Building's Temporary Holding Facility

Recommendation: Approve that the naming of the Police Building's Temporary Holding Facility as the "Carla Munoz Temporary Holding Facility" be recommended for consideration by the full City Council.

A motion was made by Member Gillmor, seconded by Chair O'Neill, and unanimously carried, that the Governance and Ethics Committee approve the Police Department's naming recommendation and refer the recommendation to the full City Council for final approval.

Aye: 2 - Chair O'Neill, and Member Gillmor

Absent: 1 - Member Davis

3. [20-159](#) Discussion and Consideration of Approving a New Board, Commission, and Committee Policy

Recommendation: Review and provide input on the Draft Board, Commission, and Committee Policy.

The Assistant City Clerk presented on the proposed Board, Commission, and Committee policy and explained new processes (e.g., vacancies, terms of office, review of applications, resignations) outlined in the proposed policy. The Committee inquired how the City's various boards, commissions, and committees differentiate from each other. The City Manager noted that staff will bring forward a report in response to the Committee's inquiry. The Committee provided additional feedback on the policy and asked the Assistant City Clerk to bring the policy back with the Committee's feedback incorporated. No formal action was taken on this item.

4. [20-160](#) Update on Dark Money Ordinance and Discussion of Election Topics

The City Clerk reported that, at the January 14, 2020 City Council meeting, he asked the public to come forward with any information behind an anonymous poll that sought to influence and affect voters' decision around Measure C. The City Clerk distributed copies of the City of Santa Clara press release entitled "City Clerk Statement on Potential Campaign Expenditure Reporting Violation in Relation to March 2020 Special Election" dated February 4th; letters of notice dated January 31st to seven individuals reportedly involved in the anonymous poll; California Form 410 filed on February 3rd; California Form 497 filed on February 5th; California Form 410 filed on February 7th; a letter to Rahul Chandhok on behalf of San Francisco 49ers from the Asian Law Alliance regarding Measure C; and a letter to the City Clerk from Kevin Moore dated February 7th. The City Clerk reported that he has been in contact with the Fair Political Practice Commission on this matter, and that he will be giving an additional update at the February 11, 2020 City Council meeting. This was an informational report only, and no formal action was taken.

COMMITTEE MEMBERS REPORT

None.

ADJOURNMENT

The Governance and Ethics Committee is adjourned to June 8, 2020.



Agenda Report

20-311

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Possible Action on a Joint Meeting with West Valley-Mission Community College District Board of Trustees

BACKGROUND

Established in 1963, the West Valley-Mission Community College District (District) serves the Town of Los Gatos, the Cities of Campbell, Monte Sereno, Santa Clara, Saratoga, and a portion of San Jose. The District has two college campuses within its boundaries: Mission College in the City of Santa Clara and West Valley College in the City of Saratoga.

The District is governed by a seven-member Board elected by trustee area. The Board of Trustees is responsible for the overall direction and control of the district to ensure that it best meets the needs of the community it serves.

DISCUSSION

West Valley-Mission Community College District Associate Vice Chancellor of Governmental Relations and Public Communications E. Manny Cappello reached out to the City to propose scheduling a joint meeting between the City Council and the West Valley-Mission Community College District Board of Trustees (Attachment 1).

Holding a joint meeting would provide an opportunity for the City Council and Board of Trustees to establish ongoing communication and build a working relationship which could lead to a permanent joint meeting process.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee 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.

RECOMMENDATION

That the Governance and Ethics Committee recommend that the City Council approve holding a publicly noticed joint meeting with the West Valley-Mission Community College District Board of Trustees.

Reviewed by: Nadine Nader, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Joint Meeting Proposal from West Valley-Mission Community College District Associate Vice Chancellor of Governmental Relations and Public Communications E. Manny Cappello

Subject: FW: Joint Meeting Proposal
Date: Wednesday, July 29, 2020 4:56:32 PM

From: webmanager@santaclaraca.gov <webmanager@santaclaraca.gov> on behalf of City of Santa Clara <webmanager@santaclaraca.gov>
Sent: Sunday, July 12, 2020 12:25:05 PM
To: Cynthia Bojorquez <CBojorquez@SantaClaraCA.gov>
Subject: Joint Meeting Proposal

Message submitted from the <City of Santa Clara> website.

Site Visitor Name: Manny Cappello
Site Visitor Email: manny.cappello@wvm.edu

Hello Cynthia,

I am former mayor and council member in Saratoga and current Associate Vice Chancellor of the West Valley-Mission Community College District with the responsibility of government relations.

I'd like to discuss with you the possibility of scheduling a joint meeting with your city council and our board of trustees of the college district. I think it may give us opportunities to get to know one another better but also create stronger bonds and awareness of each other's plans going forward.

Let me know your thoughts. I'd love to get your feedback. My mobile number is below. Feel free to call anytime.

Regards, Manny Cappello
(m) [REDACTED]



Agenda Report

20-313

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discussion and Consideration of Approving a New Boards, Commission and Committee Policy

BACKGROUND

At the first quarterly Governance and Ethics Committee (Committee) meeting held on April 25, 2019, the Committee adopted its 2019 quarterly workplan, which included the review of the Boards, Commissions, and Committees policy regarding how business activities are conducted, and meeting attendance.

At the November 21, 2019 Governance and Ethics Committee meeting, the Committee deferred the Boards, Commissions, and Committees policy report to the first 2020 quarterly Governance and Ethics Committee meeting.

At the February 10, 2020, Governance and Ethics Committee meeting, the Committee reviewed a proposed new Boards, Commissions and Committees policy and provided feedback and directed staff to return on September 14, 2020 with a revised version.

Staff has attached the current City Council committees and outside agency committees approved on February 11, 2020, for reference (Attachment 1).

DISCUSSION

The current Boards and Commission policy was approved by Council on July 21, 1998. Staff is recommending it be repealed and replaced with the new version which is more in line with best practices and addresses the Committee's concerns related to absences, code of ethics, conduct, trainings and much more. A redline version is attached with the Committee's requested changes (Attachment 2).

In addition to the redline edits incorporated in the proposed policy, there were additional questions related to:

- Bicycle Pedestrian Advisory Committee (BPAC) membership
- Renaming of the Housing Rehabilitation Loan Committee
- Reinstatement of International Exchange Commission
- Violation of Code of Ethics by member and Council recourse to remove a member beyond absences

Summary of Bicycle and Pedestrian Advisory Committee (BPAC) History

The Citizens Committee on Bicycles was established in 1991. The Citizens Committee on Bicycles was comprised of 7 members (Chair - Councilmember, 1 member at large, 1 PTA representative, 1

SCUSD Administrator, 1 member representing Santa Clara Valley Bicycle Association, and 2 City Staff members [Traffic Engineering and Traffic Lieutenant from the Police Department]). The requirement to serve on the Committee was to either live or work in the City of Santa Clara. The City Council approved the BPAC structure found in their Guidelines (Attachment 3). It does not appear that the City has a City Code section addressing this Committee. If the Governance and Ethics Committee chooses, it may recommend to the City Council to enact an ordinance that clearly sets forth the composition of the membership of the Committee and the scope of the committee's jurisdiction.

Renaming the Housing Rehabilitation Loan Committee

At the February 10, 2020 Governance and Ethics Committee meeting, the Committee inquired about renaming the Housing Rehabilitation Loan Committee (HRLC) to a Commission and noted that a name change may be appropriate given the Council Committee restructuring that was approved by the Council in 2019. As background, on February 5, 2019, the City Council approved the broad restructuring of Committees, which removed the Councilmember position from the HRLC. At that time, staff noted that the HRLC's scope did not require a Council Committee to consider loan approvals since these approvals are administrative in nature and funding has already been approved by the City Council in the annual appropriation of the budget. As part of the proposed change, loan approvals would be strictly administrative and approved by an internal credit Committee, while the restructured and renamed commission (Housing Commission) would include advisory functions related to the administration of the City's Federal entitlement grants and programs, which include neighborhood enhancement, homeless programs, and public service grants. The HRLC is currently comprised of a three-member body of Santa Clara residents. Staff looks forward to adding those new items and reporting quarterly on the loan portfolio to the advisory functions of the HRLC.

In review of the legislative history for the HRLC, it does not appear that the City ever established a City Code section addressing this committee. The Governance and Ethics may recommend to the City Council to enact an ordinance that clearly sets forth the composition of the membership of the Committee and the scope of the committee's jurisdiction.

Reinstatement of International Exchange Commission

At the January 2020 City Council Priority Setting Session, the Council directed staff to evaluate the resources needed to reinstate the International Exchange Commission (IEC).

Staff began researching and assembling information to assist City Council in its decision to reinstate the IEC, which includes administrative, staffing and financial considerations. Due to the impact of the COVID-19 pandemic, international travel to and from our Sister and Friendship Cities for staff and delegations has ceased for the time being.

Currently, there is no timeline for the resumption of international travel; however, staff is prepared to reinstate the IEC in January 2021 when there will be more known information about international travel activity. To that end, Council appointment to the IEC will be integrated with the regular process used by the City Council to appoint members of the Council to boards, commissions, and regional organizations. Because reinstatement of the IEC will impact the powers, functions, and duties of the Cultural Commission, staff proposes bringing the information forward to the Governance and Ethics Committee for review and discussion prior to taking this to the City Council.

Removal of a Member beyond Absences

On February 10, 2020, the Governance and Ethics Committee inquired about what happens if a member was to violate codes of ethics and what the Council's recourse was for removal of members beyond absences.

The City Charter states in Section 1002 "Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes." The Council has not set forth the ground for Council to exercise their power. After review of what other jurisdictions have done to address removal of a member beyond absences, staff has provided below some reasons for Committee consideration.

Potential Reasons for Commission member Removal

The members of each board or commission may be subject to removal by motion of the City Council for the following reasons:

- Failure to maintain eligibility requirements
- Failure to complete required training
- 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
- Violation of Code of Ethics and Conduct

To provide due process, the Committee may choose to include in the policy a process whereby Council places commission member removal recommendations on a council meeting agenda, and/or at a hearing during an open council meeting.

In addition, there is currently a policy in place regarding complaints received about a commissioner, Policy and Procedure #032 (Attachment 4), found in the Boards and Commissions Handbook.

FISCAL IMPACT

There was no fiscal impact associated with this report

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

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RECOMMENDATION

1. Recommend that the City Council enact ordinances that clearly set forth the composition of the membership of each commission and the scope of the commission's jurisdiction; and
2. Approve the revised Boards and Commissions Policy that will be included in the Boards, Commissions, and Committee handbook.

Reviewed by: Nora Pimentel, Assistant City Clerk
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. 2020 City Council and Outside Agencies Committees
2. Redline Version of Proposed Policy
3. Bicycle and Pedestrian Advisory Committee Guidelines
4. Boards and Commissions Handbook - Policy and Procedure #032

CITY OF SANTA CLARA

Council Appointments to City Committees

CITY COMMITTEES (City staff responsible for preparing and posting the agendas for the meetings).

1. Americans with Disabilities Act (ADA) Committee:

Date:	Meets on call	
Time:	TBD	
Location:	City Hall Council Chambers 1500 Warburton Avenue, Santa Clara	
Councilmembers:	Chahal (Chair)	Alternate: Davis
Staff Members:	Director of Public Works	
Staff Liaison:	Kelly Conoscenti, OSIII	Phone: 408-615-3000
Established on September 29, 1992, to review accessibility issues, the Committee includes individuals and representatives from community organizations such as VIA Rehabilitation, Self Help for Hard of Hearing People, and the Adult Independence Development Center.		

2. Audit Committee:

Date:	Meets on call		
Time:	TBD		
Location:	City Hall 1500 Warburton Avenue, Santa Clara		
Councilmembers:	Gillmor (Chair), Watanabe, Hardy	Alternate:	Davis
Staff Members:	City Manager, Director of Finance, City Auditor		
Reviews the annual independent audits, Comprehensive Annual Financial Report, Single Audit Report, Electric Utility Financial Statements, Stadium Authority Financial Statements, and City Auditor's Annual Report. Meetings are attended with independent auditor.			

3. Bicycle Pedestrian Advisory Committee (BPAC):

Date:	Meets on the fourth Monday of January, March, June, August, and October 1/27; 3/23; 6/22; 8/24; 10/26	
Time:	4:00 p.m.	
Location:	City Hall Council Chambers 1500 Warburton Avenue, Santa Clara	
Councilmembers:	Hardy (Chair)	Alternate: Chahal
Staff Members:	Director of Public Works, Traffic Engineer, Police Department Traffic Sergeant	
Staff Liaison:	Marshall Johnson, Civil Engineer I	Phone: 408-615-3023
Originally established on May 14, 1991, the Committee was established to explore developing safe bicycle lanes and routes on City streets. The Committee name and duties was revised in March 25, 2014 to include pedestrian aspects and to also provide input on non-engineering activities to increase pedestrian and bicycle usage in the City.		

4. Economic Development, Communications, and Marketing Committee:

Date:	Meets on the third Wednesday of February, May, August, and November 2/19; 5/20; 8/19; 11/18	
Time:	3:00 p.m.	
Location:	City Hall Council Chambers 1500 Warburton Avenue, Santa Clara	
Councilmembers:	Davis (Chair), Gillmor, Watanabe	Alternate: Hardy
Staff Members:	City Manager, Assistant City Manager, Director of Communications	
Staff Liaison:	Genevieve Yip, Staff Analyst I	Phone: 408-615-2250
The Economic Development, Communications, and Marketing Committee was established by Council action on February 5, 2019, to consolidate the Economic Development Committee and the Marketing Committee. The Committee focuses proactive economic development and effective communication, as well as reviews the City's marketing and branding strategies.		

5. Governance and Ethics Committee:

Date: Meets on the first Monday of March*, June**, September***, and December 2/10; 6/8; 9/14; 12/7

Time: 3:00 p.m.

Location: City Hall Council Chambers
1500 Warburton Avenue, Santa Clara

Councilmembers: O'Neill (Chair), Davis, Gillmor Alternate: Watanabe

Staff Members: City Manager, City Attorney, City Clerk

Staff Liaison: Genevieve Yip, Staff Analyst I Phone: 408-615-2250

The Governance and Ethics Committee was established by Council action on February 5, 2019, to consolidate the Governance Committee, Ethics Committee, and the Facilities Naming and Honorary Recognition Ad Hoc Committee. The Committee focuses on the refinement or establishment of policies and procedures regarding City Council operations and general good government practices, as well as the further implementation of the City's Code of Ethics & Values program. This committee is also responsible for reviewing requests for facility naming and honorary recognitions.

*Meeting date has been rescheduled from 3/2 to 2/10 due to scheduling conflicts.

**Meeting date has been rescheduled from 6/1 to 6/8 due to scheduling conflicts.

***Meeting date has been rescheduled from 9/7 to 9/21 due to observance of the Labor Day holiday.

6. Ad Hoc Stadium Audit Committee:

Date: Meets on call

Time: TBD

Location: City Hall
1500 Warburton Avenue, Santa Clara

Councilmembers: Gillmor (Chair), Hardy, O'Neill Alternate: Chahal

Staff Members: City Manager, Director of Finance, City Auditor

On July 19, 2016, the Santa Clara Stadium Authority Board (Board) approved appointment of a three-member committee to oversee the work and progress of the audit being performed by Harvey M. Rose Associates, LLC.

CITY OF SANTA CLARA
Council Appointments to Outside Agency Committees

OUTSIDE AGENCY COMMITTEES (Outside Agency responsible for preparing and posting the agendas for the meetings).

1. Association of Bay Area Governments (ABAG) (General Assembly):

Date: Meetings held once a year
Time: From approximately 9:00 a.m. to 3:00 p.m.
Location: TBD
Contact: ABAG Clerk of the Board Phone: (415) 820-7913
Councilmember: Watanabe Alternate: O'Neill
Staff Member: Director of Community Development
Established in 1961 to protect local control, planning for the future and promoting cooperation in area-wide issues. No stipend for attendee.

2. Bay Area Water Supply and Conservation Agency (BAWSCA):

Date: Meetings held every odd numbered month (January, March, May, July, September, November) on the third Thursday of the month
Time: 6:30 p.m.
Location: San Mateo Main Library, Oak Room, 55 West 3rd Avenue, San Mateo, CA 94402
Contact: Nicole Sandkulla Phone: (650) 349-3000
Councilmember: Davis
Staff Member: Director of Water and Sewer Utilities
Established in February 2003 to allow the City to have a greater voice in planning and funding of improvements in the Hetch-Hetchy regional water supply system. BAWSCA term is four years (June 2018-2022) and has only one representative (no alternate). \$100 stipend for meeting attendance.

3. Caltrain Modernization Local Policymaker Group (CalMod):

Date: Meets monthly on the fourth Thursday; except in December, meets on the third Thursday
Time: 5:30 p.m. – 7:00 p.m.
Location: Caltrain Joint Powers Authority Board Headquarters
Bacciocco Auditorium, 1250 San Carlos Avenue, San Carlos, CA 94070
Contact: Phone: (650) 508-6200
Councilmember: Watanabe Alternate: Chahal
Staff Member: Director of Public Works (Advisor only, does not attend meetings)
Established by Caltrain Joint powers Board for Caltrain modernization/electrification. Members represent cities along the Caltrain corridor. No stipend for attendee.

4. Cities Association of Santa Clara County:

Contact: Andi Jordan, Phone: (408) 766-9534
Executive Director
P.O. Box 1079, Los Gatos, CA 95031

A. Board of Directors:

Date: Meets on the second Thursday of every month, except in July
Time: 7:00 p.m.
Location: Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale
Councilmember: Davis Alternate: Watanabe
Staff Member: City Manager or Assistant City Manager
No stipend for attendee.

B. City Selection Committee:

Date: Meets on call
Time: 6:45 p.m. (Immediately before the Board of Directors meeting)

Location:	Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale	
Councilmember:	Davis	Alternate: Watanabe
Staff Member:	City Manager or Assistant City Manager	

Established to promote cooperation among the fifteen cities of Santa Clara County and to promote legislative action that will affect local control.

C. Legislative Action Committee:

Date:	Meets on call	
Time:	6:45 p.m. (Immediately before the Board of Directors meeting)	
Location:	Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale	
Councilmember:	Davis	Alternate: Watanabe
Staff Member:	City Manager or Assistant City Manager	

5. City/Mission College Liaison Committee:

Date:	Meets on call twice a year	
Time:	TBD	
Location:	Alternates between Santa Clara City Hall and Mission College	
Contact:	Mission College President's Secretary or Santa Clara Mayor and Council Offices Executive Assistant to the Mayor and Council	Phone: (408) 855-5123 (408) 615-2250
Councilmembers	Gillmor (Chair), Davis, Hardy	Alternate: O'Neill
Staff Member:	City Manager, Director of Community Development, Director of Parks and Recreation	

Established on-going communication and review of joint programs with Mission College. The Mission College President and two board members participate on the Committee. No stipend for attendee.

6. City/School Liaison Committee (Santa Clara Unified School District):

Date:	Meets first Wednesday every other month beginning February	
Time:	11:45 a.m.	
Location:	Alternates between Santa Clara City Hall and Santa Clara Unified School District (SCUSD) Office	
Contact:	City Manager's Office or SCUSD Superintendent	Phone: (408) 615-2210 (408) 423-2006
Councilmembers:	O'Neill (Chair), Gillmor, Watanabe	Alternate: Davis
Staff Member:	Assistant City Manager, Director of Parks and Recreation, Chief of Police	

Established on-going communication and coordination of joint projects/programs between City officials and SCUSD officials. The School Board representatives and School Superintendent are members of the Committee. No stipend for attendee.

7. Grand Boulevard Task Force/El Camino Real:

Date:	Meets quarterly on the last Wednesday in March, June, September and December	
Time:	10:00 a.m.	
Location:	Alternatively held at the SamTrans Auditorium in San Carlos and the Historic Adobe Building in Mountain View	
Contact:	Dave Pape, SamTrans	Phone: (650) 508-6210
Councilmembers:	Watanabe	Alternate: Chahal
Staff Member:	Director of Community Development	

Member and alternate appointed by Council on February 21, 2006. First meeting was held March 2006. Joint Venture Silicon Valley Network/Peninsula Policy Partnership formed the Task Force for the purpose of looking for ways to raise the status of the El Camino Real to a world-class boulevard with special attention to the aesthetic, safety and interjurisdictional issues. No stipend for attendee.

8. Human Trafficking Commission:

Date: Meetings held once per year, generally at the end of the year (November)

Time: 1:00 p.m.

Location: Board of Supervisors' Chambers, County Government Center,
70 West Hedding Street, San Jose

Contact: County of Santa Clara - Deputy Board Clerk

Phone: (408)299-5083 or 408-299-5001

Councilmember: Watanabe Alternate: Davis

Staff Member: Chief of Police

The Human Trafficking Commission was established on April 29, 2014 to investigate the nature and scope of human trafficking in the County, including both labor and sex trafficking; identify model victim-centered policies, services, and preventative measures to address this issue; make legislative and policy recommendations to the Santa Clara County Board of Supervisors; support the apprehension and prosecution of traffickers; and collaborate with partners regionally, nationally, and internationally to share information and strategies for ending human trafficking. No stipend for attendee.

9. Northern California Power Agency (NCPA):

Date: Meets most months, fourth Thursday of every month

Time: Usually 9:30 a.m.

Location: Rotating NCPA Cities (half in Roseville)

Contact: NCPA Phone: (916) 781-4202

Councilmember: O'Neill Alternate: Gillmor

Staff Member: City Manager, Assistant City Manager, Chief Electric Utility Officer, Assistant Director of Electric Utility, Electric Division Manager.

10. Police Activities League (PAL):

Date: Meets second Wednesday of every month

Time: 7:00 p.m.

Location: Police Department Community Room, 601 El Camino Real, Santa Clara

Councilmember: Gillmor Alternate: Watanabe

Staff Members: PAL Executive Director, Chief of Police

Founded and incorporated in 1970 as a nonprofit organization to provide a place where the youth of the City may enjoy educational and social benefits and athletic activities under competent supervision. The organization is managed by a board of directors comprised of volunteers.

11. Peninsula Division of the League of California Cities:

Date: Meets four times per year. Additionally, the Peninsula Division holds a "Legislative Day" in April of each year in Sacramento (Invitations sent out quarterly.)

Location: Alternating between San Mateo and Santa Clara Counties

Contact: Seth Miller Phone: (415) 595-8629

Councilmember: Davis Alternate: O'Neill

Staff Member: City Manager

Established to encourage greater participation in the Division's activities, thereby creating a strong and unified voice for cities in the Peninsula Division. The responsibilities of the liaison include keeping the Council informed about and engaged in the Division's legislative activities, to provide periodic League updates at Council meetings and to attend Division and League events whenever possible. No stipend for attendee.

12. Joint Recycled Water Policy Advisory Committee:

Date: Meets third Thursday in April and as-needed

Location: Alternates annually between San Jose City Hall (even years) and the Santa Clara Valley Water District Headquarters, San Jose (odd years)

Contact: Jeff Provenzano, City of San Jose Phone: (408) 277-3288
Environmental Services

Councilmember: Davis Alternate: Watanabe

Staff Member: Director of Water and Sewer Utilities

Established in 2010 to review and advise the Santa Clara Water District and the City of San Jose (lead agency for the San Jose/Santa Clara Water Pollution Control Plant) on all policy issues related to recycled water including operations and capital improvements.

13. Recycling and Waste Reduction Commission of Santa Clara County (RWRC):

Date: Meets the fourth Wednesday of every even numbered month except the December meeting (date to be determined due to holidays)

Time: 5:30 p.m.

Location: Board of Supervisors' Chambers, County Government Center,
70 West Hedding Street, 1st Floor, San Jose 95112

Contact: Recycling and Waste Reduction Division Phone: (408) 282-3180

Councilmember: Watanabe

Staff Member: Deputy Director of Public Works

Established per requirements of the California Integrated Waste Management Act of 1989 (AB 939) and subsequent amending legislation in order to coordinate and provide input to the countywide solid waste management program. Membership appointed through the City Selection Committee of Santa Clara County Cities' Association. No stipend for attendee.

14. San Francisco Bay Area Regional Water System Financing Authority:

Date: Meets once a year, in January

Time: Immediately prior to the BAWSCA Board Meetings at 6:30pm

Location: San Mateo Main Library, Oak Room, 55 West 3rd Avenue, San Mateo, CA 94402

Contact: Nicole Sandkulla Phone: (650) 349-3000

Councilmember: Davis

Staff Member: Director of Water and Sewer Utilities

Established February 2003 to allow the City to have a greater voice in planning and funding of improvements in the Hetch-Hetchy regional water supply system. The Regional Financing Authority is a parallel organization with the Bay Area Water Supply and Conservation Agency (BAWSCA). Same stipend for this and BAWSCA meeting attendance.

15. San Jose/Santa Clara Clean Water Financing Authority:

Date: Meets quarterly (February, if necessary), May, August, and November) on the second Thursday of the month

Time: 3:30 p.m.

Location: San Jose City Hall, 200 East Santa Clara Street, Room T-1352,
San Jose

Contact: City of San Jose Finance Department Phone: (408) 535-7010

Councilmember: Davis, Watanabe Alternate: Hardy

Staff Member: Director of Water and Sewer Utilities

16. San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC):

Date: Meets second Thursday every month (third Thursday in May, due to budget; no meeting in July)

Time: 4:00 p.m. (if there are other meetings, this group would meet last)

Location: San Jose City Hall, City Manager's Office, 17th floor, Room 1734, San Jose

Contact: Eva Roa, City of San Jose Phone: (408) 975-2547
Environmental Services

Councilmembers: Davis, Watanabe Alternate: Hardy

Staff Member: Director of Water and Sewer Utilities

Reviews and advises the City of San Jose City Council on all issues relating to the operation and capital improvement of the San Jose/Santa Clara Water Pollution Control Plant. \$100 stipend for regular meeting attendance.

17. Santa Clara County Emergency Operational Area Council (EOAC):

Date: Meets quarterly (February, May, August, November) on the fourth Thursday of the month

Time: 1:30 p.m.

Location: Sheriff's Auditorium, 55 Younger Avenue, San Jose

Contact: Ivan Williams and Michelle Sandoval Phone: (408) 808-7800
Office of Emergency Services

Councilmember: Davis
(Alternates Chair position with Sunnyvale and Milpitas- Cities Association appointment)

Staff Member: Fire Chief, Emergency Services Coordinator

The Emergency Preparedness Council is the advisory body of the Santa Clara County Operational Area in matters affecting disaster preparedness throughout the Operational Area. No stipend for attendee. This committee member is appointed by Cities Association for a 3-year term.

18. Santa Clara County Expressway Plan 2040 Policy Advisory Board (PAB):

Date: Meets as needed

Time: TBA

Contact: Ellen Talbo, County of Santa Clara, Phone: (408) 573-2482
County Transportation Planner

Councilmember: Watanabe Alternate: Hardy

Staff Member: Director of Public Works (Advisor only, does not attend meetings)

The Santa Clara County Comprehensive Expressway Planning Study policy Advisory Board (PAB) will provide a forum for policy input from elected officials for updating the Expressway Study's Implementation Plan originally adopted in August 2003. No stipend for attendee.

19. Santa Clara/Santa Cruz Counties Airport/Community Roundtable

Date: Meets on the fourth Wednesday of every other month beginning in January

Time: TBD

Location: Varies

Contact: Cities Association of Santa Clara County Phone: (408) 766-9534
Andi Jordan
Executive Director
P.O. Box 1079, Los Gatos, CA 95031

Councilmember: Watanabe Alternate: Chahal

Staff Member: City Manager

On July 2018, the Council approved for the City to become a member of the Committee, which is scheduled to convene for the first time within the coming months. Participation in the Roundtable will allow the City of Santa Clara to contribute to policy solutions that mitigate aircraft noise in affected communities, as well as create partnerships with neighboring cities, counties, airports and the Federal Aviation Administration.

20. Santa Clara Sister Cities Association

Date: Meets as needed

Time: 7:00 p.m.

Location: Headen Inman House for Board Meetings

Councilmember: Davis Alternate: Watanabe

Staff Member: City Manager's Office

The Santa Clara Sister Cities Association, an independent non-profit organization, assists the City in exchange activities with Coimbra, Portugal, Izumo, Japan and Limerick, Ireland -- Santa Clara's three sister-cities. The Council appoints a representative to serve as liaison to the Association.

21. Santa Clara University Liaison/Neighborhood-University Relations Committee (NURC):

Date: Meets three times annually on Monday evenings during the academic year

Time: 7:00 p.m.

Location: Mission Branch Library

Councilmember: Gillmor (Chair) Chahal, Hardy

Alternate: O'Neill

Staff Members: City Manager, Director of Community Development, Code Enforcement Technician, Chief of Police

Established in 1990 to review student housing issues (formerly Student Housing Committee). Established a forum for on-going communication and problem solving among City officials, neighborhoods, property owners and Santa Clara University officials and students. Santa Clara University/City Liaison Committee and NURC were combined because of the similar topics that the two committees cover. Three NURC meetings will be held per year (October/November, February and April) for neighborhood issues, and the STAFF TASK FORCE and the CITY-NEIGHBORHOOD FORUM will no longer be held (pursuant to Council action of June 23, 2009). A University-City Subcommittee comprised of NURC City Councilmembers, University officials and City Executive Team Members will meet as needed.

22. Santa Clara Valley Transportation Authority (SCVTA):

Contact: Board Secretary, SCVTA

Phone: (408) 321-5680

A. Board of Directors:

Date: Meets first Thursday of every month (except July)

Time: 5:30 p.m.

Location: Board of Supervisors Chambers, 70 West Hedding Street, San Jose

North East Cities Group

Position includes appointment to one of three sub-committees appointed by the VTA Board of Directors. Small Cities Group representation is a 2-year rotating term with two member cities and one alternate city. The Small Cities Group is comprised of the Cities of Milpitas, Sunnyvale, and Santa Clara.

Councilmember: O'Neill

Staff Member: Director of Public Works

Sets VTA policy; establishes committees to give advice on policy matters and provide in-depth review. \$100 stipend for meeting attendance, per day. The VTA Administrative Code states that appointments to standing committees are approved by the VTA Board of Directors based on the recommendations of the current chairperson. At the first meeting in January, the Board shall approve the members and chairpersons of all standing committees of the Board based on recommendations for these positions provided by the Board Chairperson. The term of each appointment shall be for one year.

B. Policy Advisory Committee:

Date: Meets on the second Thursday of every month

Time: 4:00 p.m.

Location: VTA Offices, 3331 North First Street, San Jose
Building B, Conference Room B-106

Councilmember: Chahal

Alternate: Hardy

Ensures that all jurisdictions within the County have access to development of VTA's policies. No stipend for attendee.

23. Santa Clara Valley Water Commission (SCVW):

Date: Meets quarterly in January, April, July, and October on the fourth Wednesday of the month

Time: 12:00 p.m.

Location: SCVW District Headquarters, 5700 Almaden Expressway, San Jose

Contact: Glenna Brambill

Phone: (408) 630-2408

Santa Clara Valley Water District

Councilmember: Davis

Alternate: Watanabe

Staff Member: Director of Water and Sewer Utilities

Established by the Santa Clara Valley Water District Board of Directors to review and advise on issues relating to water supply and water pricing. No stipend for attendee.

24. Silicon Valley Animal Control Authority (SVACA):

Date: Meets on the fourth Wednesday of every other month beginning in January

Time: 8:30 a.m.

Location: SVACA Headquarters, 3370 Thomas Road, Santa Clara

Contact: Heidi Springer

Phone: (408) 764-0350

Councilmember: O'Neill

Alternate: Chahal

Staff Member: Police Department Patrol Lieutenant

Established in 2000 to provide animal control field services and shelter services for the participating cities. The Board is comprised of four members representing the participating cities of Santa Clara, Campbell, Monte Sereno and Mountain View. No stipend for attendee.

25. Silicon Valley Regional Interoperability Authority (SVRIA) Board of Directors:

Date: Meets every other month - must meet annually a minimum of two regular meetings

Time: 5:00 p.m.

Location: Santa Clara Police Department, 601 El Camino Real, Santa Clara

Contact: Denise Sellers

Phone: (408) 615-5571

Executive Director SVRIA

Primary: Sunnyvale is the primary member and Santa Clara is the alternate member until June 30, 2022 (Santa Clara alternates primary member position with Sunnyvale and Milpitas).

Staff Member: Chief of Police

In 2001, several agencies in the area established the Silicon Valley Regional Interoperability Project to design an implementation strategy for an interoperable communications network; purchase a radio and data communications system or network; integrate this system or network with other nearby regional public safety communications systems; participate in regional interoperability; and to jointly apply for grants and funding to facilitate these goals. In 2010, a Joint Powers Agreement was established to implement and operate the SVRIA and other projects. The nine-member Board of Directors of the JPA consists of elected officials from different geographic regions of the County and will serve as the governing body for the agreement. The City of Santa Clara is represented in the "Central County Agencies" that also includes Sunnyvale and Milpitas. No stipend for attendee.

26. Triton Museum of Art Liaison Committee:

Date: Meets generally on the third Thursday of every month

Time: 4:30 p.m. – 5:30 p.m.

Location: Triton Museum Boardroom, 1505 Warburton Avenue, Santa Clara

Contact: Triton Museum of Art

Phone: (408)247-3754

Councilmember: Davis

Alternate: Chahal

Staff Member: City Manager's Office, Management Analyst

The Triton Museum of Art is an independent non-profit organization. The Council appoints a representative to serve as a liaison to the Triton Museum Board. The participation of a Councilmember at the Triton Museum Board meetings will further the communication and knowledge of the City's support. No stipend for attendee.



BOARDS, COMMISSIONS AND COMMITTEE POLICY

POLICY

- I. Recruitment, Selection, Appointment
- II. Resignation and Removal of Members
- III. Requirements for Boards, Commissioners and Committees upon appointment
- IV. Code of Ethics
- V. Implementation
- VI. Definitions

Section I: Recruitment, Selection, Appointment

Purpose

This policy establishes a systematic procedure for accepting and reviewing applications from persons interested in serving on Boards, Commissions and Committees and provides a streamlined process for Councilmembers to interview and appoint to the various Boards, Commissions and Committees.

Policy

Process and Procedure

1. Roster: A current roster of Boards, Commission and Committee members will be maintained by the City Clerk's Office. The roster shall show the first appointment date of each commissioners, the current term, expiration dates, and whether the member is eligible for reappointment.
2. Applications: The Office of the City Clerk will provide an application form to all persons wishing to serve on a Board, Commission or Committee during a recruitment and may continue to accept applications outside of a recruitment period which may be maintained on file for a period of up to one year from the filing date. It is encouraged that interested candidates attend a meeting to become familiar with issues that Board or Commission faces. The City Clerk's office notifies all members when they are approaching the end of their term. For those members who are eligible and interested in



Boards, Commissions and Committees Policy (cont.)

- reappointment, an updated application is required to be submitted. If only one candidate applies for a Board, Commission or Committee opening by the application deadline (or two candidates for two openings) the Assistant City Clerk will: Reopen the application time for an additional three weeks.
3. Eligibility List: An eligibility list will be established at the discretion of the Council during an interview process and will be maintained on file in the City Clerk's office for a period of one year. During that year, an applicant may be appointed to an unanticipated vacancy for the Board, Commission or Committee which they applied.
 4. City Residency Requirement: All Charter Boards, Commissions (Planning Commission, Parks and Recreation, Civil Service, and Board of Library Trustees) and non-Charter Boards/Commissions (Cultural Commission, Historic and Landmarks, Housing Rehabilitation Loan Committee and Senior Advisory Commission) must be 18 years of age or older, a registered voter and resident of the City of Santa Clara. If a Commissioner moves out of the City of Santa Clara with six or more months left on their term, the Commissioner shall be removed.
 5. Youth Commission Requirements: Youth Commission members must be a resident of the City of Santa Clara, must be between the ages of 12-19 years of age, and as a minimum the membership should consist of at least one representative from each middle and high school in Santa Clara (i.e, Buchser middle School, Cabrillo Middle School, Santa Clara High School and Wilcox High School).
 6. Vacancies: The Assistant City Clerk shall notify the City Council via email of upcoming vacancies 60 days prior to terms ending and unanticipated vacancies within 5 days of receiving notice of resignation. When a vacancy occurs or terms are to expire, the Assistant City Clerk shall place a notice on the City Calendar and Website and post in the Weekly and distribute to other social media outlets.
 7. Terms of Office: Charter Boards and Commissions (Civil Service, Planning Commission, Parks and Recreation Commission, and Board of Library Trustees) terms end on June 30. Non-Charter Boards, Commissions and Committee (Cultural Commission, Historic and Landmarks Commission, Housing Rehabilitation Loan



Boards, Commissions and Committees Policy (cont.)

Committee and Senior Advisory Commission terms end on December 30.

All Charter and non-Charter Boards, Commission and Committee members may serve two full terms consisting of four years each. If a member serves an unexpired term, they may serve an additional two full terms. If a Commissioner is appointed to fill an unexpired term with less than six months remaining, the City Council may choose to additionally appoint him/her to the following four-year term.

8. Youth Commission Terms: The Youth Commission members may serve six one-year term.
9. Limited to Single Legislative Body: No member shall serve on more than one commission at a time. Should a member seek appointment to another Board, Commission or Committee, upon his/her new appointment, the member shall be automatically vacating his or her original seat.
10. Review of Applications: Applications for Civil Service, Planning and Parks and Recreation Commission will be reviewed by the Office of the City Attorney and performs a high level review of *potential* conflicts of interest that could arise. The Community Development will also perform a review for any pending code violations.
11. Interviews: The Civil Service Commission and the Planning Commission interviews, and appointments are to take place at a Council meeting in the Council Chambers; all other Board, Commission and Committee interviews are held in the Council Conference Room and are open to the public. The official Council appointment of commissioners is done in open session in the Council Chambers on the same evening as the interviews.

Section II: Resignation and Removal of Members

Purpose

This policy establishes a criteria and procedure for members who may need to resign from their position; Council removal of a member due to excessive absences and removals beyond absences.

Policy



Boards, Commissions and Committees Policy (cont.)

Process and Procedures

1. Resignations:

- a. Voluntary Resignation: Voluntary resignations from a Board, Commission or Committee shall be submitted in writing to the City Clerk's Office and Commission Secretary. Resignations are effective on the date submitted to the City Clerk's Office or Commission Secretary, unless a different date is noted on the resignation. Resignations cannot be rescinded or revoked.

2. Removal from Office due to absences : Pursuant to the provision of the City Charter Section 1004 "If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be declared by the City Council."

The process to remove a member is as follows:

- Three unexcused consecutive absences would trigger the Boards, Commission or Committee secretary to notify the City Clerk's Office;
- Upon receiving notification from the Boards, Commission or Committee secretary, the Assistant City Clerk will notify the Council and place an item on an agenda to declare the vacancy;
- The Assistant City Clerk will prepare a letter to inform the board or commission member of removal of office due to excessive unexcused absences.

Excused absences shall be limited to those which meet both of the following requirements:

- (A) The Absent member must have informed the chair or the City staff liaison to the board or commission, of their intended absence prior to the scheduled meeting (Failure to inform the chair or the staff liaison prior to the meeting; shall result in an unexcused absence, unless extenuating circumstance prevent advance notice), and



Boards, Commissions and Committees Policy (cont.)

(B) The absence is due to one of the following:

- i. 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,
- v. Emergency, or
- vi. Decision by member's supervisor in employment or required military service
- vii. Maternity/Paternity leave

(C) The Board, Commission and Committee's must take action when a member is absent from a meeting and the secretary must keep an attendance record.

3. Potential Reasons for Commission member Removal beyond absences

A. The City Charter states in Section 1002 "Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes."

B. The members of each board or commission shall be subject to removal by motion of the City Council for the following reasons:

- Failure to maintain eligibility requirements
- Failure to complete required training
- 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.
- Violation of Code of Ethics and Conduct

C. To provide due process, the Committee may choose to include in the policy a process whereby Council places commission member removal recommendations on a council meeting agenda, and/or at a hearing during an open council meeting.

Section III: Requirements for Board members and Commissioner



Boards, Commissions and Committees Policy (cont.)

upon appointment

Purpose

Based upon various local, state and federal laws and requirements, Board, and commission and Committees members are required to complete and have on file with the City Clerk's Office certain paperwork and complete certain trainings in order to serve. The City Clerk's Office will notify the members who fail to complete any requirements.

Policy

1. Oath of Office: Upon appointment and reappointment, Board, Commission and Committee members are required to file a current oath of office with the City Clerk's Office (Article 20, section 3 of the California Constitution) **A new oath of office must be administered for each term of office.**
2. Form 700/Statement of Economic Interest: The following Board Members and Commissioners are required to file a Statement of Economic Interest, Form 700.
 - a. Any Commission designated in the City Conflict of Interest Code;
 - b. Pursuant to Government Code 87200, Planning Commission;
and
 - c. Any Commission added to Government Code 87200 following approval of this Policy.
3. AB 1234 Ethics Training: Commissioners who receive compensation, salary, stipend or reimbursement of expenses are required to complete state mandated ethics training. Said training must be for a minimum of two hours, and completion certificates must be filed with the City Clerk's Office within a year of appointment. Such training must be completed every two years. The City Clerk's office notifies New Commissioners and those who need to renew to ensure compliance.
4. AB 1661 Sexual Harassment Prevention Training: Although it is not required by law for Board, Commission or Committee members to complete the harassment prevention training, the City will require them to participate in the online training in order to ensure our workplace and public meeting spaces are inclusive and respectful.



Boards, Commissions and Committees Policy (cont.)

Section IV: Code of Ethics

Purpose

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 a Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the City's government (Board, Commissions and Committees Handbook).

Policy

Expectation

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 (found in the Board, Commissions and Committees Handbook).

The actions and words of members of City Board, Commissions and Committee represent the ethics and values of Santa Clara.

Therefore, they are expected to:

- a. Act in a professional manner including being prepared and on time for every meeting;
- b. Be courteous to each other, to City staff and to the public at all times;
- c. Give complete and polite attention to others when they are speaking;
- d. Not interrupt others when they are speaking;
- e. Remain calm and unemotional;
- f. Listen to ideas and comments with an open mind;
- g. Respect differing points of views and the rights of other citizens to be heard;
- h. Keep confidential information private; and
- i. Remember that their purpose is to serve the public interest, not their own.

Additional expectation's

- j. When speaking or writing publicly on matters within the purview of a Board, Commission or Committee, unless a member has been



Boards, Commissions and Committees Policy (cont.)

authorized to speak on behalf of that Board, Commission or Committee, the member should make very clear that he or she is speaking on his or her own behalf and not on behalf of the Board, Commission or Committee.

- k. No member shall use his or her Board, Commission or Committee title or speak or write as a member except when speaking on behalf of the Board, Commission or Committee.
- l. Except when a member is speaking on behalf of a Board, Commission, or Committee no member shall identify him or herself as a member without making clear that he or she is not speaking on behalf of a Board, Commission or Committee.
- m. City business cards shall be provided as approved for community outreach. Information on the business cards must contain at a minimum: member name, the title of the Board, Commission, or Committee. The Department staff will determine the additional information to be pre-printed on the business card. Such cards shall only be used when the member is on official business.
- n. Members are prohibited from using their position as a Board, Commission or Committee member to promote themselves for personal gain.

Section V. Implementation

Upon approval, the Assistant City Clerk will include this policy in the Boards, Commission and Committee handbook which is provided to the new appointed members, and a copy will be provided to all current Boards, Commission and Committee members, all Commission Secretaries, all City Councilmembers and appropriate City employees and will be posted on the City's Boards and Commission web page.

Section VI. Definitions

A City **committee** may be called a **board**, **commission**, or **committee**, depending on its function. However, the terminology used **is** often a matter **of** local preference. All Boards, Commissions and committees advise the City Council concerning policies and programs.

Boards and Commissions. A board and a commission are permanent formal committees with their structure, duties, and powers established by ordinance. The Boards and Commissions found in the City's Charter are: Planning Commission, Parks and Recreation Commission, Civil



Boards, Commissions and Committees Policy (cont.)

Service Commission, Board of Library Trustees. The Boards and Commissions created by ordinance are: Cultural, Historical and Landmarks Commission, Senior Advisory, and Youth Commission.

Committees. A committee is advisory in nature and can be either a formal (standing) committee established by ordinance or resolution, or an informal (ad hoc) committee created by the mayor and council. The committee may oversee and advise in service areas, or it may advise the mayor and council on issues and recommend policy. An ad hoc committee is sometimes called a task force to emphasize its temporary nature. **A committee may consist of only a sub-committee of councilmembers, or a mix of councilmembers and citizens, or only citizens.**

Quasi-Judicial

Boards, Commissions, and committees with authority to make binding decisions that require or restrict the action of individuals are deemed to be acting in a quasi-judicial capacity with respect to certain decisions. The Planning Commission acts as an advisory body to the City Council on planning and development policy issues and is in charge with the preparation, maintenance and implementation of the City's General Plan. However, actions made by the Planning Commission may be appealed to the City Council. **When the Planning Commission or the Civil Service Commission is deciding an appeal or acting as a Board of Review, they may be making quasi-judicial decisions.**

City of Santa Clara Bicycle and Pedestrian Advisory Committee Policy Guidelines

The Bicycle Advisory Committee (BAC) was established by the Santa Clara City Council on May 28, 1991. On MMMMM DD, 2014 the Bicycle Advisory Committee was changed to the Bicycle and Pedestrian Advisory Committee (BPAC) by the Santa Clara City Council.

Section 1. Purpose

The purpose of the BPAC is to serve as an advisory body to the City Council on matters relative to modifying or expanding the City's public recreational and commuter bikeway and pedestrian walkway system. Its intent shall be to encourage recreational and commuter bicycling and walking in the City by promoting safe, convenient, well-designed facilities, and by evaluating local bicycle and pedestrian related projects.

Section 2. Membership

The BPAC is comprised of nine (9) regular members as appointed by the City Council. The Chairperson or alternate will be the Mayor or Councilperson designated by City Council and shall be considered a member. The remaining eight (8) members shall be citizens at large with a representative from the following groups strongly encouraged to be members: Santa Clara Unified School District and the Silicon Valley Bicycle Coalition. BPAC members must either reside or work in the City of Santa Clara.

Section 3. Term of Office and Removal

The term of office for BPAC members will be three years.

Members may be re-appointed but will be considered along with all other new applicants.

To allow for staggered terms, 2 members appointed by City Council in November of 2011 will have a term of office expiring on December 31, 2014, 3 members appointed in November of 2012 will have a term of office expiring on December 31, 2015, and 3 members appointed on November of 2013 will have a term of office expiring on December 31, 2016.

Any members of the BPAC may be removed from office by a majority vote of the City Council at a regularly scheduled Council meeting.

Section 4. Vacancies

Vacancies will be filled for the unexpired portion of the term, of the member being replaced, in the same manner as the original appointment.

Section 5. Meetings

The BPAC shall hold meetings on the third Wednesday in January, March, June, August and October at 4:00 p.m. at City Hall. The actual date of meeting can be changed or additional meetings can be approved by a quorum of the committee. All meetings shall be open to the public and notices and agendas shall be posted at City Hall as required by law.

Section 6. Quorum

Any five members shall constitute a quorum for voting on action items.

Section 7. Voting

Only the appointed BPAC members have voting authority. The committee shall determine the voting procedure for items prior to voting.

Section 8. Duties of BPAC to be Advisory Only

It is intended that the BPAC shall be an advisory committee to the City Council. Nothing herein contained shall be construed as a limitation on the power of the City Council or the administrative staff of the City in their supervision or authority over property or personnel, which are under their jurisdictions.

Section 9. Assistance of Staff

The City Manager of the City of Santa Clara shall provide the BPAC with information and staff assistance but the BPAC's requests may from time to time be prioritized subject to staff limitations. The City Manager has appointed the Director of Public Works and the Chief of Police or their designees to staff the BPAC.

Section 10. Code of Ethics and Values

The City of Santa Clara adopted a Code of Ethics and Values to provide clear, positive statements of ethical behavior reflecting the core values of the community. The actions and words of members of City's boards, commissions and committees should represent the community's values: ethical, professional, service-oriented, fiscally responsible, organized, communicative, collaborative, and progressive.

Section 11. Amendments

These guidelines may be amended by a quorum of the BPAC membership at any legal BPAC meeting, subject to approval by City Council.

PASSED AND RECOMMENDED FOR ADOPTION by the Bicycle Advisory Committee this 29 day of January, 2014.

PASSED AND ADOPTED by the Santa Clara City Council this _____ day of _____.

City of Santa Clara
Policy and Procedure Manual



REVIEW OF CONCERNS/COMPLAINTS REGARDING CITY BOARD/COMMISSIONS

POLICY

The City of Santa Clara believes that “decision-makers must be independent, impartial, and accountable to the people they serve.”¹ The City’s Code of Ethics and Values lists the ethics and values-based standards the City has agreed will guide the decisions and conduct of everyone who participates in the City’s government. Because we seek public confidence in the City’s services and public trust of its decision-makers, we hold ourselves accountable to “meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.”

Although the City Charter allows the Council to remove a Commissioner with no cause, the Council has created the following process, which provides guidelines the Council may choose to use to resolve a problem/complaint. The policy is based on a recommendation from the Ethics Ordinance Committee. It is consistent with the Code of Ethics and Values, in terms of fairness and respect towards the individual. It preserves the Council-granted Charter authority of removal, but also provides optional courses of action.

PROCEDURE

The Charter of the City of Santa Clara provides for the removal of a City Commissioner by a vote of four City Council members. No cause has to be given. The action to remove a Commissioner would be an agendaized City Council action item.

When a concern/complaint is received regarding a City Board Member/Commissioner, it is referred to the City Manager for review and follow-up. If possible, it is preferable to resolve a concern through open communication channels at the staff level. Complainants are encouraged to solve the problem informally prior to registering a formal complaint.

The City Manager has several options for handling a concern/complaint:

1. The first step is to verify the information. If not verified, the complainant is informed and no further action taken. If initially verified, the City Manager conducts an investigation/review of situation in consultation with the City Attorney, where appropriate. The individual who is the subject of the complaint will be notified unless criminal or legal nature precludes notification. Issues that relate to the jurisdiction of the Fair

¹ From the Preamble of *The Code of Ethics and Values*, City of Santa Clara, 2001



REVIEW OF CONCERNS/COMPLAINTS REGARDING CITY BOARD/COMMISSIONS (cont.)

Political Practices Commission (FPPC) are not covered by this policy. City Attorney has existing procedures to handle FPPC and Election Code issues.

2. The following options are available for resolving complaints:
 - ◆ The City Manager can choose to handle concern/complaint directly, or consult with the Mayor.
 - ◆ The City Manager can choose to conduct further research; provide information and discussion of alternatives with Mayor.
 - ◆ Consult with Santa Clara University Markkula Center for Applied Ethics, or outside ethics experts.
 - ◆ Refer the issue/complaint to the Mayor and/or City Council.
 - ◆ Refer the concern/complaint to the Chairperson of the specific Board/Commission with the Chair reporting back to the City Manager.
 - ◆ Refer the issue/complaint to the City Council Commission Review Committee.
 - ◆ If legal issues are involved, the concern/complaint is referred to City Attorney.
3. Depending on nature of concern/complaint, and factual information, range of actions/options are available including any one (or combination of) these actions:
 - ◆ No action based on unsubstantiated/Unfounded complaint;
 - ◆ Discussion between Mayor and Commissioner; City Manager and Commissioner or discussion between Commission Chair and Commissioner;
 - ◆ Verbal counseling by Mayor with Commissioner;
 - ◆ Letter to Commissioner from Mayor;
 - ◆ Refer issue to Commission Review Committee; Committee meets and reviews facts; may make advisory recommendation to Council, or refer to City Manager and City Attorney for follow-up; and



REVIEW OF CONCERNS/COMPLAINTS REGARDING CITY BOARD/COMMISSIONS (cont.)

- ♦ Refer to Mayor and/or City Council.
 - ♦ City Council may take action ranging from note and file to removal from Commission. (See attached memorandum to the Commission Review Committee from the City Attorney dated December 15, 1999.)
4. Follow-up response to complainant indicating City has taken appropriate action.

Reference:

- 1) *Memo dated December 15, 1999 from City Attorney, "Levels of Expressions of Disapproval of a Public Official's Actions" (attached)*
- 2) *Council-approved policy July 16, 2002*



Agenda Report

20-314

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

General Discussion and Possible Input on Various City Governance Policies

BACKGROUND

At the February 11, 2020 City Council meeting, the Council adopted the amended version of Council Policy 030 (Attachment 1), entitled "Adding an Item on the Agenda" by resolution.

Council Policy 042 (Attachment 2), entitled "Reconsideration of Council Action," was adopted by Council in March 2007.

At the May 16, 2017 City Council meeting, the Council adopted Resolution No. 17-8435 (Attachment 3) to approve the Early Consideration Policy (Attachment 4) for General Plan Amendment applications.

DISCUSSION

Council Policy 030

The latest version of Council Policy 030 was amended to clearly state the Council must take action by a majority vote for an item to be referred to a future Council meeting, as well as to outline the procedure for requests from the Council, referrals from Council Committees, and written petitions.

Council Policy 042

Council Policy 042 provides the current procedure for reconsideration of Council action in three parts: Request/Motion for Reconsideration; Reconsideration of Any Council Action; and Effect of Approval of Motion.

Request/Motion for Reconsideration

A request for reconsideration may be made by any person at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council or at any intervening special meeting of the City Council. A motion to reconsider an action taken by the City Council can be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember and is debatable. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion. The motion must be approved by a majority vote of the entire City Council.

Reconsideration of Any Council Action

If an intent to make a motion for reconsideration is communicated to the Mayor or City Manager by any Councilmember who voted in the majority on a question prior to the state law deadline for posting the City Council meeting agenda, then the item shall appear as a possible reconsideration on the posted agenda for the next regular meeting or intervening special meeting.

Effect of Approval of Motion

Upon approval of a motion to reconsider, and at such time as the matter is heard, the Council shall only consider new evidence or facts not presented previously regarding the item or a claim of error in applying the facts. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice will be required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Code, and Santa Clara agenda rules and procedures.

Early Consideration Policy

The Early Consideration Policy provides an opportunity early in the application process for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff required to complete the full review process. The Early Consideration Policy is utilized for all formally submitted General Plan Amendment applications.

At the Early Consideration Policy Council hearing, the Council can direct staff to continue processing the application or preemptively deny the proposed General Plan Amendment request as clearly inconsistent with the City's General Plan major strategies, goals and/or policies. A City Council decision to continue processing does not indicate their future vote on the Amendment, but allows the Amendment to continue through the process to be fully analyzed for future City Council consideration.

Staff seeks input from the Governance and Ethics Committee on potential updates to Council Policy 030, Council Policy 42, and the Early Consider Policy for General Plan Amendment applications.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee 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.

RECOMMENDATION

Provide input on Council Policy 030, Council Policy 042, and the City's Early Consider Policy for General Plan Amendment applications.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Council Policy 030 - Adding an Item on the Agenda
2. Council Policy 042 - Reconsideration of Council Action
3. Resolution No. 17-8435
4. Early Consideration Policy



ADDING AN ITEM ON THE AGENDA

PURPOSE

To establish a clear, effective and easily understood process for members of the City Council and the public to have items within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY

Members of the City Council:

The Mayor or any individual Councilmember may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Council Committees may bring forward a recommendation to the full City Council by way of the Committee Minutes, which are typically prepared within three weeks following the Committee meeting.

Items Referred During a Council Meeting:

By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the Council every sixty (60) days as an informational memo.

Written Petitions and Public Presentations:

1. Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the **"Written Petition"** section of the City



ADDING AN ITEM ON THE AGENDA

PROCEDURE FOR WRITTEN PETITIONS

Council's regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the **"Public Presentations"** section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly agendized at a future meeting, in compliance with The Brown Act.

1. All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner's convenience on the City's website and in the City Manager's Office, City Clerk's Office and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.
2. Once the Written Petition is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (request and support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council.

**City of Santa Clara
Policy and Procedure Manual**



RECONSIDERATION OF COUNCIL ACTION

POLICY

Request/Motion for Reconsideration: A request for reconsideration may be made by any person at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council or at any intervening special meeting of the City Council. The person making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments. A motion to reconsider an action taken by the City Council can be made only by a Council member who voted on the prevailing side, but may be seconded by any Council member and is debatable. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion. The motion must be approved by a majority vote of the entire City Council.

Reconsideration of Any Council Action. A motion to reconsider an action taken by the City Council must be made at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council or at any intervening special meeting of the City Council. If an intent to make a motion for reconsideration is communicated to the Mayor or City Manager by any Council member who voted in the majority on a question prior to the state law deadline for posting the City Council meeting agenda, then the item shall appear as a possible reconsideration on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda.

Effect of Approval of Motion. Upon approval of a motion to reconsider, and at such time as the matter is heard, the Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are



RECONSIDERATION OF COUNCIL ACTION (cont.)

not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Code and Santa Clara agenda rules and procedures. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

Reference:

Council Approved Policy 03/06/07

RESOLUTION NO. 17-8435

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING AN EARLY CONSIDERATION
POLICY FOR GENERAL PLAN AMENDMENT APPLICATIONS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on March 28, 2017, the City Council expressed a desire to implement an early consideration process whereby proposed General Plan Amendment applications would be presented to the City Council shortly after the application has been received by the city.

WHEREAS, the Early Consideration Policy for General Plan Amendment Applications would provide an opportunity early in the application process for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff.

WHEREAS, the Early Consideration Policy would be utilized for all formally submitted General Plan Amendment applications.

WHEREAS, as part of their early consideration of proposals, the City Council would identify whether the General Plan Amendment is consistent with the General Plan Major Strategies and Long-term Policies.

WHEREAS, through the early consideration process, the Council can direct staff to continue processing the General Plan Amendment application, or the Council can preemptively deny the proposed General Plan Amendment request as inconsistent with the City's General Plan goals and policies.

WHEREAS, the Early Consideration Policy process was determined to be Categorically Exempt under CEQA Guidelines Section 15306, Information Collection, in that the proposed policy process dictates application processing steps as part of a study that may lead to a future approval action.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council establishes the Early Consideration Policy for General Plan Amendment Applications for all formally submitted General Plan Amendment applications.
3. That the City Council hereby finds that the Early Consideration Policy was determined to be Categorically Exempt under CEQA Guidelines Section 15306.
4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 16th DAY OF MAY 2017, BY THE FOLLOWING VOTE:


AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Caserta

ABSTAINED: COUNCILORS: None

ATTEST:



for ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments:

1. Policy for Early Consideration of General Plan Amendment Applications



Early Consideration Policy for General Plan Amendment Applications

PURPOSE / INTENT

The Early Consideration Policy provides an opportunity early in the application process for the City Council to review and comment on whether a proposed General Plan Amendment should continue through with a complete application process or whether the request should be denied.

This Early Consideration Policy provides an opportunity for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff required to complete the full review process. Additionally, the early consideration can save the public time that they would otherwise spend tracking and commenting on the proposal, and it can provide clarity for future applicants on the types of land use conversions that would generally not be supported by the City Council.

APPLICABILITY

The Early Consideration Policy is utilized for all formally submitted General Plan Amendment applications. A formal General Plan Amendment application submittal is required; preliminary review applications will not go through the early consideration process.

TIMING / PROCESS

Following submittal, at least one community meeting would be conducted for the project and the project would be evaluated by the Project Clearance Committee (PCC) before the Council's early consideration of the request. If a community meeting was recently conducted for the General Plan Amendment request, said community meeting may, at the discretion of the Director of Community Development, substitute for the community meeting for the formal application.

Staff will prepare a report for Council's consideration that summarizes the community feedback received to date, significant concerns stemming from the PCC review, an initial analysis of the General Plan Amendment's consistency with the General Plan Major Strategies, and a recommendation as to whether the application should be allowed to proceed through a full Planning review.

The City Council's early consideration of the General Plan Amendment request will typically be conducted within ninety (90) days of the General Plan Amendment submittal.

OUTCOMES

Through the Early Consideration Policy, the Council can direct staff to continue processing the application or the Council can preemptively deny the proposed General Plan Amendment request as inconsistent with the City's General Plan goals and policies.

Should the City Council provide direction to continue processing the application, staff would complete the review process for the proposed General Plan Amendment, including environmental analysis of the proposed project consistent with the California Environmental Quality Act (CEQA). Upon completion of the City's review and the necessary CEQA documentation, the proposed General Plan Amendment would proceed with the standard public hearing process with a presentation to the Planning Commission for recommendation and to the City Council for a decision. At that time, the City Council would determine whether to approve or deny the request. Should the Council's vote to have the application proceed through the full review process, said action in no way obligates or commits the Council to ultimately approve the proposal.

Should the City Council preemptively deny the proposed General Plan Amendment during the Early Consideration Policy, the site would retain its current General Plan Land Use designation, and partial refund of the application fees would be provided based on the work completed, staff time, and other City expenses to date.



Early Consideration Policy for General Plan Amendment Applications

PURPOSE / INTENT

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Agenda Report

20-786

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review of Newly Added Planning Commission Policies and Procedures, and Direction Regarding Management of Agenda-Related Requests from Boards and Commissions

BACKGROUND

Section 2.120.020(a) of the Santa Clara City Code establishes the ability of Boards and Commissions to establish rules and regulations governing the election of their officers (e.g., Chair and Vice-Chair), the holding of meetings, and the conduct of business.

Section 2.120.020(f) requires Boards and Commissions to adhere to the policies promulgated by the City Council. Section 2.120.040 permits Boards and Commissions to utilize the services of City staff to carry out their business, subject to the administrative control of the City Manager.

The Planning Commission has Policies and Procedures which have been adopted by the Planning Commission to provide rules of conduct at Planning Commission meetings. The Planning Commission's Policies and Procedures appear to have been created on October 8, 1997, and modified over the years through Planning Commission vote. It does not appear that there was any process established for review or approval of the Commission's Policies and Procedures by either City Council or City Manager.

At the July 15, 2020 Planning Commission meeting, the Commission took action to edit its existing Policies and Procedures and add a new Policy and Procedure 2.12. Attachment #1 shows track changes where the edits were made. There was lengthy discussion on these edits, but ultimately, most of the edits were unanimously adopted by the Planning Commission, including the new Policy and Procedure 2.12. The new Policy and Procedure 2.12 sets procedures for the Planning Commission to add items to future Planning Commission agendas. As adopted, the Planning Commission Chair can make a verbal request to staff at the meeting to add future agenda items and other Planning Commissioners may send written requests to staff to add future agenda items.

This new Commission Policy 2.12 has brought to light the possible conflicts arising from the differing sections of the City Code referenced above; it is therefore recommended that the Governance and Ethics Committee review the new Commission Policy and provide direction with regard to possible revisions, as described further below.

DISCUSSION

Adoption of the new Planning Commission Policy and Procedure 2.12 requires review by the Governance and Ethics Committee to verify alignment with existing City Code requirements and City Council priorities. This new policy has implications for the City's very limited resources, and in particular the Community Development Department, regarding work program, staffing levels, and

capacity of staff to complete other City priorities as it may likely require commitment of staff time and organizational resources not previously assessed through the City Council priority setting process. Since July 15, 2020, staff has received requests from Planning Commissioners to add five items to future Planning Commission meeting agendas. At present, there is no Council Policy or Commission Policy that provides a process for the City Manager to perform the administrative review of such requests, particularly as it concerns allocation of a finite amount of staff resources. Staff work to address these requested new agenda items is on hold pending the direction from the Governance and Ethics Committee on how to proceed with such requests. Moreover, the recently enacted policy change does not place any clear parameters on the scope of possible new Planning Commission agenda items.

Alignment with City Council Priorities

At the start of each calendar year, the City Council participates in a City Council Priority Study Session, which provides the City Council an opportunity as a governing body to discuss City priorities, discuss any new goals and work program initiatives and to provide a policy framework within which the City will make future budget and resource decisions. The new Planning Commission Policy and Procedure 2.12 would potentially allow the Planning Commission to initiate new staff workplan items throughout the year, without City Council policy direction on these potential topics or City Manager input on whether limited staff resources should be expended on these items. While the Planning Commission is envisioned to play a significant role in shaping the City's land use decision making, their jurisdiction as defined in the City Code has been largely limited to the review of land use applications for which the Zoning Code requires a Planning Commission hearing and to provide input on the development of land use policies through zoning code updates, preparation of Specific Plans or other land use policy updates initiated by the City Council. If the Planning Commission adds new discussion items or policy initiatives that are outside of a Council-defined scope, those topics will need to be adequately researched by staff and have a report prepared before bringing them to the Planning Commission for discussion. It should also be noted that under the Commission's new policy, it is far easier for an individual member to add an agenda item to a Planning Commission meeting agenda than it is for a Councilmember to add an item to the City Council meeting agenda. This arrangement presents challenges for managing workload and appropriately responding to City Council priorities with the resources established by Council.

Employer Considerations

The City, as the employer, is governed by a civil service process and various labor agreements (Memorandum of Agreement or "MOA"). These legal processes and contracts define the City's working relationship with employees and provide for various rules regarding work schedules and workplace. The City must comply with these requirements and schedule workload and work hours accordingly. Below is a discussion expressing concern about how the City manages our limited resources going forward and, in particular, in light of reduced capacity arising from COVID-19 and increased development workload, in general.

Adding items to Planning Commission agendas requires at a minimum that Planning Division staff research topics for adequate discussion and would require additional time at meetings to allow for discussion on the topics. There are a minimum of twelve Planning Commission meetings annually with additional meetings scheduled for time critical projects. For instance, this calendar year, two special meetings were called to review Related Santa Clara's first two Development Area Plan phases. In addition, a special meeting was called to provide a training session to the Planning Commission on the costs of development.

Planning Commission meetings typically run four hours but are often longer as the meetings can begin earlier with study sessions or end later as the Commission receives substantial community input on significant and controversial land use issues that come before them. As Planning Commission meetings with regular business last four hours or more, additional meetings dates would likely need to be added to address any new agenda requests.

In addition to the Planning Manager, Development Review Officer, and Assistant City Attorney, Planning Division staff in Bargaining Units 5, 7, & 8 participate to oversee the meeting administration as well as lead technical planning work on current planning projects or long-range planning activity. Staff in Units 5, 7, & 8 must be provided overtime pay as well as meal benefit for work activities past 6:00 p.m. Given the City's fiscal situation created by the COVID-19 pandemic, the Finance Department has provided direction to use overtime sparingly and in very limited circumstances. As such, staff in Units 5, 7, & 8 typically flex the time they spend attending Planning Commission evening meetings throughout the work week to avoid incurring overtime. This can impact other business activity. In particular, it can reduce capacity to provide public information services to residents, businesses, and developers investigating properties for improvement or redevelopment. Also, attendance at Planning Commission meetings diverts staff time away from advancing projects on file to complete the City's development review process.

Like other departments, Community Development has several vacancies which are being held vacant to help mitigate the City's current fiscal condition. Adding workload that is not within Commission's ordinance-defined scope will further strain the Division's ability to meet performance expectations.

Solutions

The City Council could consider requiring Council approved workplans for boards and commissions to ensure that items before these bodies are aligned to City Council Policy Priorities or develop a process for boards and commissions to submit policy priorities to the City Council Policy Priority Goal Setting Session. These types of solutions offer policy alignment, ensure Council's awareness of the City's full workload and manage our limited resources.

Considering that all Boards and Commissions, including the Planning Commission, should have a uniform process to provide input on City priorities, but setting priorities should ultimately be the prerogative of the City Council, the City could establish an annual opportunity at the end of the calendar year for boards and commissions to discuss new potential work program initiatives so that those requests could be presented to the City Council during its Priority Setting Study Session.

Should the City Council find policy alignment with specific requests, staff would be able to analyze staff time needed to undertake adding those new agenda topics, present that information to the City Council, and receive further direction from City Council to proceed with the new agenda requests.

Alternatively, the new agenda item requests from Boards and Commissions could be forwarded to the City Council periodically throughout the year for feedback on individual requests. A drawback to this approach is that City Council feedback would not be made in the context of weighing all potential new agenda items requested in that calendar year or in the context of all other city workplan activities.

Staff requests direction from the Committee as to the preferred approach for managing agenda

related requests from the Planning Commission. In addition, the Committee may want to consider providing direction on agenda management for other Boards and Commissions through an annual workplan review process.

Based on direction, staff can return to the Committee with a draft Council Policy that is consistent with the Committee's direction. The draft Council Policy, adopted by the City Council, could then be applicable to all Boards and Commissions, and would be included in the Boards and Commissions Handbook.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no cost to prepare this item other than administrative time to assess and create the report; however, adding Planning Commission topics to future agendas will increase the need for additional staff resources to attend Planning Commission meetings and/or provide adequate research of requested new agenda topics.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee 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.

RECOMMENDATION

Provide direction to staff on the Committee's desired approach to managing agenda related requests from Boards and Commissions.

Reviewed by: Reena Brilliot, Planning Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Planning Commission Policies and Procedures as Amended July 15, 2020
2. Santa Clara City Code §§ 2.120.020-2.120.040

SANTA CLARA PLANNING COMMISSION POLICIES AND PROCEDURES

1.0 Policies and Procedures

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
1.1	Adoption	All Policies and Procedures shall be adopted all or in part upon rotation of the Planning Commission Chair and require an affirmative quorum of the Planning Commission members.	Adopted by the Planning Commission at the October 8, 1997 meeting.
1.2	Exception	All policies found in 2.0 relating to time may be altered by an affirmative quorum of the Planning Commission members.	Adopted by the Planning Commission at October 8, 1997 meeting.
1.3	Legal Conformance	All Planning Commission Policies and Procedures will be in conformance with the Santa Clara City Charter, Code of Conduct and other applicable laws and regulations.	Adopted by the Planning Commission at the October 8, 1997 meeting.
1.4	Individual Rights	No provision of this Policy and Procedure shall be construed or interpreted to limit a Commissioner's individual citizen rights.	Adopted by the Planning Commission at the October 8, 1997 meeting.
1.5	Additions/Updates/Changes	Additions to the Planning Commission Policies and Procedures require approval by a quorum of the Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.

2.0 Meeting Management

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
2.1	Robert's Rules	The Planning Commission meetings will be conducted in conformance with the version of "Robert's Rules of Orders" utilized by the Santa Clara City Council with the following exceptions listed in subsections to 2.1	October 22, 1997 (BF excused)
2.1a	Motion to open Commissioner deliberations	The Planning Commission will default to upholding the recommendation of City Planning staff to open the Commissioner deliberations.	Adopted by the Planning Commission at the October 22, 1997 meeting.
2.1b	Absence of motion	In the absence of a motion, the Vice Chair will be responsible to make a motion to begin Commissioner deliberation.	Adopted by the Planning Commission at the October 22, 1997 meeting.
2.1c	Suspense of Robert's Rules	Suspense of Robert's Rules will require a super majority of the Commissioners present at the meeting.	Adopted by the Planning Commission at the October 22, 1997 meeting.
<u>2.1d</u>	<u>Format of Minutes</u>	<u>The format of the minutes will follow the "Action Minutes" template adopted by City Council on Jan. 23, 2018. In addition, if the Commission modifies any Conditions of Approval, the exact text of the modified Conditions shall be set forth in the Minutes. If staff would like to provide additional clarifications, they may do so.</u>	<u>Adopted by the Planning Commission at the July 15, 2020 meeting.</u>

2.2	Proponent time limits	The Proponent of a project shall be limited to 10 minutes to present their proposal and 5 minutes to provide rebuttal after public testimony. <u>The Chair has the discretion to approve additional time.</u> This time will not be reduced by questions by Commission or City staff.	Amended by the Planning Commission at the <u>July 15, 2020 meeting and</u> October 13, 2004 meeting.
2.3	Continuance Applicant request	The applicant may continue items one time by right. Any reposting or public notification required will be at the applicant's expense.	Adopted by the Planning Commission at the October 22, 1997 meeting.
2.3a	Continuance Opponent request	A request for continuance by a member of the public will be required to be affirmed by a quorum of the Planning Commission. Items will not generally be continued more than one time. Any reposting or public notification will not be at the applicant's expense unless determined by the Planning Commission.	Amended by the Planning Commission at the October 13, 2004 meeting.
2.4	Public Time Limits	Each member of the public wishing to comment on a project is limited to <u>1 to 4 minutes, at the discretion of the Chair.</u> This time is not reduced by questions by Commission or City staff.	<u>Amended by the Planning Commission at the July 15, 2020 meeting.</u> Adopted by the Planning Commission at the October 8, 1997 meeting.
2.5	Staff Presentations	Staff presentation of a project should generally be limited to 10 minutes. This time can be extended by the Commission and is not reduced by Commission questions.	Adopted by the Planning Commission at the October 8, 1997 meeting.
2.6	Public Testimony	Commission questions to presenters during the "public hearing" should be material to the proposal and limited to clarification.	Adopted by the Planning Commission at the October 8, 1997 meeting.
2.7	Commissioner Deliberations	Commissioners will generally be limited to two, five-minute opportunities to discuss and two questions for any one issue. <u>three questions at a time, and the commissioner may ask additional questions after other commissioners have had their turn.</u> This limitation will also apply to follow up questions to staff or clarification of statements made by another member of the Commission.	Amended by the Planning Commission at the May 10, 2000 <u>and July 15, 2020</u> meeting
2.8	Adjournment	The Planning Commission will endeavor to complete all regular hearing items by not later than 44 <u>10</u> :00 P.M. <u>unless extended.</u>	Amended by the Planning Commission at the <u>July 15, 2020 meeting and</u> October 13, 2004 meeting.
2.9	Meeting frequency/ Special hearings	In addition to the regularly scheduled Planning Commission <u>meetings scheduled at the beginning of the year, the Planning Commission may recommend additional meetings.</u> meetings generally scheduled for the second and fourth Wednesday of	<u>Amended by the Planning Commission at the July 15, 2020 meeting.</u> Adopted by the Planning Commission at the October 8, 1997

		each month, the Planning Commission may recommend additional meetings be scheduled as needed by motion and affirmative quorum of the Commission members	meeting.
2.10	Special Hearings	Special hearings including but not limited to revocation hearings should be conducted exclusive of regular Planning Commission meetings. The adjournment of these meetings will be no later than 12:00 a.m. (midnight)	Amended by the Planning Commission at the October 13, 2004 meeting
2.11	Special Hearings (Agenda)	The agenda and format of any Special Hearing requires adoption by an affirmative quorum of the Planning Commission unless otherwise delegated to the Planning Commission Chair.	Adopted by the Planning Commission at the October 8, 1997 meeting.
<u>2.12</u>	<u>Addition of Agenda Items</u>	<u>The Chair may request that an item be placed on a Planning Commission meeting. Any Commissioner may make a request in writing to staff to have a item placed on the agenda.</u>	<u>Adopted by the Planning Commission at the meeting July 15, 2020</u>

3.0 Sub-Committees

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
3.1	Formation	An affirmative quorum of the Planning Commission is required to establish a sub-committee	Adopted by the Planning Commission at the October 8, 1997 meeting.
3.2	Reporting of Progress	The Chair or designated sub-committee member will report sub-committee progress to the Planning Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.
3.3	Goals/objectives/work product	All sub-committees will determine and have Planning Commission adopted goals, objectives and identified work product.	Adopted by the Planning Commission at the October 8, 1997 meeting.
3.4	Scope	Adoption of any sub-committee work product requires an affirmative quorum of the Planning Commission	Adopted by the Planning Commission at the October 8, 1997 meeting.
3.5	Completion date	All sub-committee will establish an anticipated completion date.	Adopted by the Planning Commission at the October 8, 1997 meeting.
3.6	Sunset	In the absence of an established completion date, all sub-committees will be disbanded or re-affirmed in July of each calendar year.	Adopted by the Planning Commission at the October 8, 1997 meeting.

4.0 Commission Officials

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
4.1	Planning Commission elections	The Planning Commission will elect a Chair, Vice-Chair and Secretary at the first meeting of July in each calendar year.	Amended by the Planning Commission at the October 13, 2004 meeting.
4.2	Succession	The succession of the Commission Officials will be rotated. A	Adopted by the Planning Commission

		challenge to the rotation will require a quorum of Commissioners and require findings of inability to perform the appointed function.	at the October 8, 1997 meeting.
4.3	Role of Chair (Generally)	The Chair of the Planning Commission shall be responsible to conduct the Commission meetings in conformance with P/G Sections 2.1.	Adopted by the Planning Commission at the October 8, 1997 meeting.
4.4	Role of the Vice-Chair (Generally)	The Vice-Chair shall perform all duties of the Commission Chair in their absence.	Adopted by the Planning Commission at the October 8, 1997 meeting.
4.5	Role of the Secretary (Generally)	The Commission Secretary will read the invocation, read the agenda items into the record, conduct meeting roll call and will be responsible for any updates to the Planning Commission Policies and Procedures. The Secretary will also fill in the Commission Vice-Chair in their absence.	Adopted by the Planning Commission at the October 8, 1997 meeting.

5.0 Commissioner Training

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
5.1	Continuous Improvement	Planning Commissioners are encouraged to attend training to enhance their knowledge.	Adopted by the Planning Commission at the October 8, 1997 meeting.
5.2	Conference Attendance	Each Commissioner attending a conference shall report the highlights and information obtained from the conference and provide any materials to the Planning staff for inclusion in the Planning Commission reference library.	Adopted by the Planning Commission at the October 8, 1997 meeting.
5.3	Commission Initiated Training	Any Commission sponsored training program will require adoption of the agenda, format, location and time by an affirmative quorum of the Planning Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.

6.0 Commission Liaisons

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
6.1	Appointment	The Planning Commission may appoint Commissioners as the designated liaisons to the other city commissions. The liaisons will be appointed annually in July of each calendar year. Liaisons may serve consecutively upon re-appointment by the Planning Commission.	Amended by the Planning Commission at the October 13, 2004 meeting
6.2	Scope	The Planning Commission Liaisons will at a minimum receive the agenda for the assigned committee and attend all meetings related to General Plan and other land use issues. The Liaison will be responsible to report their findings to the Planning Commission at the end of the regular Planning Commission meetings.	Adopted by the Planning Commission at the October 8, 1997 meeting.

7.0 External Contact

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
7.1	Statements	Commissioners need to clarify that statements made to external groups, commissions or the media are made as individuals unless they have been authorized by a quorum of the Planning Commission to represent the view of the Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.

8.0 Commission Goals

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
8.1	Work Plan	The Planning Commission will adopt a work plan identifying the goals for each session of the Commission upon rotation of a new Commission Chair.	Adopted by the Planning Commission at the October 8, 1997 meeting.
8.2	Work Plan Creation	The incoming Planning Commission Chair is responsible for proposing work items for consideration by the Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.
8.3	Work Plan Adoption	Adoption of any item or plan requires an affirmative quorum of the Planning Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.
<u>8.4</u>	Commission Goals	The Planning Commission will prepare prior to each meeting by reading materials in packets and call/meet with staff for any clarification, problems, or questions prior to the Commission meeting as appropriate.	Amended by the Planning Commission at the May 10, 2000 meeting

9.0 Open Meetings

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
9.1	Public Access	It is the policy of the Planning Commission to recommend enhanced public access to the Commission meetings through the use of cable TV, internet and other technology.	Adopted by the Planning Commission at the October 8, 1997 meeting.

10.0 Commissioner Disclosures

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
10.1	Public disclosures	Prior to any item on the Commission Agenda, Planning Commission members will disclose all fiduciary interests or any other reason that they feel they could not be objective on any proposal before the Commission.	Adopted by the Planning Commission at the October 8, 1997 meeting.

11.0 Planning Commission Staff

	SUBJECT	POLICY/PROCEDURES	PC ADOPTION DATE
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11.1	Staff relations	It is the policy that the Commission and staff maintain professional and courteous working relationships.	Adopted by the Planning Commission at the October 8, 1997 meeting.
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1998 PC Reinvention sub-committee

Rev. 10/13/04

2.120.020 Powers and duties generally.

The boards and commissions of the City shall have the following general powers, duties and responsibilities in addition to those set forth in Article X of the Charter:

- (a) To establish rules and regulations governing the election of their officers, the holding of meetings and the conduct of business.
- (b) To utilize all appropriate techniques in crystallizing and testing public sentiment on major public issues in their respective fields.
- (c) To make budget recommendations.
- (d) To hold official hearings as required by law or requested by the City Council.
- (e) To advise and recommend on City policies and procedures pertinent to their respective activities and functions.
- (f) To support and adhere to all City policies promulgated by the City Council and to establish needed interim policies in the absence of the same.
- (g) To provide information and promote good public relations between the City and the general public.
- (h) To receive at least two hours of training in general ethics principles and ethics laws relevant to their public service every two years, as required by state law and the City Council.
- (i) To perform such other related functions as may be assigned to them by the City Council. (Ord. 947; Ord. 1837 § 1, 5-6-08. Formerly § 2-91).

2.120.040 Utilization of City personnel.

The various boards and commissions may utilize the services of the appropriate City departmental personnel in carrying out their respective functions, subject to the administrative control of the City Manager. (Ord. 947. Formerly § 2-92).

Article II. Duties and Responsibilities Enumerated



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

20-315

Agenda Date: 9/14/2020

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Verbal Update on Dark Money Ordinance and Other Election Related Items

BACKGROUND

At the April 24, 2018 City Council meeting, the City Council adopted Ordinance No. 1979 (Attachment 1), entitled "An Ordinance of the City of Santa Clara, California, Amending Chapter 2.130 Of "The Code of the City of Santa Clara, California" to Enact Regulations Regarding Contributions Influencing Local City Elections (Dark Money Ordinance)."

At the February 10, 2020 Governance and Ethics Committee meeting, the City Clerk provided a verbal update on the work effort around the Dark Money Ordinance and on election topics.

DISCUSSION

The City Clerk will provide a verbal update on the Dark Money Ordinance and other election related items.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee 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 or at the public information desk at any City of Santa Clara public library.

Reviewed by: Genevieve Yip, Staff Analyst I

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance No. 1979

ORDINANCE NO. 1979

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING CHAPTER 2.130 OF "THE CODE OF
THE CITY OF SANTA CLARA, CALIFORNIA" TO ENACT
REGULATIONS REGARDING CONTRIBUTIONS INFLUENCING
LOCAL CITY ELECTIONS (DARK MONEY)**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the Ethics Committee of the City Council of the City of Santa Clara has considered the effects of financial contributions that have not been disclosed with respect to campaign activities;

WHEREAS, the Ethics Committee has determined that existing state and local regulations regarding campaign contribution disclosures can be enhanced by additional local regulations; and,

WHEREAS, the City Council desires to enact an ordinance to provide maximum transparency to the voters of the City regarding the origin of financial support for and against local election campaigns.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That a new Article is added to Chapter 2.130 (entitled "Political Campaign Finance Reform Act") of Title 2 (entitled "Administration & Personnel") of "The Code of the City of Santa Clara, California," ("SCCC") to read as follows:

"Article X. Dark Money

2.130.320 Purpose.

The purpose of this Article is to provide the maximum transparency to the voters of the City of Santa Clara about who is spending money on local campaigns and to create specific disclosure requirements for contributions to organizations that have historically refused to disclose contributions ("Dark Money").

2.130.330 Interpretation and Regulation.

(a) This Article is intended to be interpreted consistently and as an enhancement to the provisions of the California Government Code and the regulations of the California Fair Political Practices Act.

(b) The City Manager, or designee, is hereby authorized to adopt such regulations and forms as to facilitate the interpretation of this Article and to provide such forms necessary for the filing of the required disclosures.

2.130.340 Mandatory Disclosure.

All contributions of One Hundred Dollars (\$100) or more to any organization, including but not limited to Multipurpose Organizations as such organizations are defined in Government Code Section 84222, that makes expenditures that affect or are intended to affect a local Santa Clara election to City office or for or against a local Santa Clara ballot measure shall be reported in the same manner as campaign contributions are required to be reported under section 2.130.280 of this Chapter.

2.130.350 Presumptions.

It shall be presumed that if any Multipurpose Organization makes a contribution of One Hundred Dollars (\$100) or more to an entity that qualifies as a recipient committee under Government Code Section 84211, the source of the contributions to the Multipurpose Organization shall be subject to the mandatory disclosure requirements of this Article.

2.130.360 Enforcement.

(a) The provisions of this Article X shall be enforceable as set forth in Article VI of this Chapter.

(b) The provisions of this Article X are hereby incorporated into all contracts of the City, the Santa Clara Stadium Authority, the Santa Clara Housing Authority, and the Sports and Open Space Authority as provisions of law to which all parties to such contract are subject. The

violation of this Article shall be considered a material breach of the contract by a contracting party and grounds for termination of the contract. A contracting party shall be considered in violation of this section if the contracting party fails to disclose contributions made by the contracting party or by an intermediary of the contracting party or by contribution of earmarked funds as defined and regulated by section 18432 of the Government Code."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California.

PASSED FOR THE PURPOSE OF PUBLICATION this 24th day of APRIL, 2018, by the following vote:

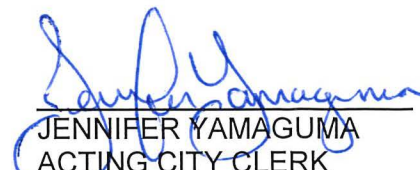
AYES:	COUNCILORS:	Caserta, Davis, Mahan, O'Neill, and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	Kolstad
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ABSTAINED:	COUNCILORS:	None
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ATTEST:


JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 15th day of MAY, 2018, by the following vote:

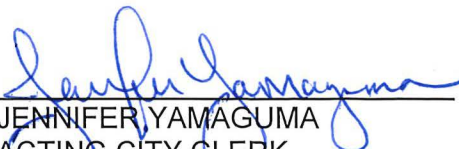
AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and
Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA