



## Agenda Report

21-64

Agenda Date: 3/29/2021

### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Review Formalization of the Bicycle and Pedestrian Advisory Committee

#### BACKGROUND

The Bicycle and Pedestrian Advisory Committee (BPAC) is an advisory body to the City Council on matters relative to modifying or expanding the City's recreational and commuter bikeway system. Its goal is to encourage recreational and commuter bicycling by promoting safe, convenient, well-designed facilities and by evaluating local bicycle-related projects. The BPAC's purpose, membership, and policies/procedures are established through City Council's past approval of the BPAC's Policy Guidelines (Attachment 1), with the most recent version being amended by City Council on March 25, 2014.

At the September 14, 2020 Governance and Ethics Committee (Committee) meeting, the Committee provided direction to staff regarding policy guidelines for the BPAC under Item 2 ("Discussion and Consideration of Approving a New Boards, Commission and Committee". Although the City Council approved the formation of the BPAC and the BPAC Policy Guidelines, there is no City Code section addressing the BPAC. The Committee discussed an option that an ordinance be considered to clearly set forth the composition of the membership of the BPAC and the scope of the BPAC's jurisdiction. The Committee directed staff to bring back a recommendation on formalizing the BPAC through an ordinance, that reflects the input of both the Committee and the BPAC, to the December 7, 2020 Committee meeting.

To formalize the BPAC through amendments to the City Code, staff prepared a report for the BPAC's consideration that included the proposed changes to the City Code (to later be enacted by ordinance) and updated the BPAC Policy Guidelines to align with all other boards, commissions, and committees. At the October 26, 2020 BPAC meeting, staff presented the report, draft City Code amendments and draft policy guidelines revisions. The BPAC members provided numerous comments as individuals, declined to vote to approve or modify staff's recommendations, and formed a special BPAC Subcommittee to review the changes. Staff reviewed and incorporated changes to reflect comments shared by multiple BPAC members from the October 26, 2020 BPAC meeting. This included the BPAC's purpose to oversee encouragement programs as well as the maintenance of the bicycle and pedestrian transportation systems.

At the December 7, 2020 Governance and Ethics Committee meeting (Attachment 2), staff provided an update to the Committee on formalizing the BPAC and recommended deferral of the item based on the upcoming BPAC subcommittee review of the proposed changes to the City Code and BPAC Policy Guidelines. The Committee accepted staff's recommendation for deferral and directed staff to return to the Committee in March 2021 for further updates.

At the December 10, 2020 BPAC meeting, BPAC Subcommittee members provided individual reports to staff and the full BPAC. The BPAC Subcommittee stated they did not come to a full agreement on all their proposed changes or comments.

**DISCUSSION**

In researching how to formalize the BPAC per the Committee’s direction, staff has determined that several existing policies and procedures utilized by the BPAC are different than other boards, commissions, and committees. Some of these differences included the BPAC application/interview process, how members were appointed, and the term of office. In order to formalize the BPAC and make it more consistent with other Boards and Commissions changes are being proposed to the City Code (to later be enacted by ordinance) and the BPAC Policy Guidelines to align with all other boards, commissions, and committees. Below is a summary table (Table 1) for the existing and proposed procedures.

Table 1. Existing and Proposed BPAC Procedures

<b>Item</b>	<b>Existing BPAC Reference</b>	<b>Proposed BPAC Reference</b>	<b>Other Boards Commissions, Committees</b>
Purpose	BPAC Policy Guidelines	City Code Chapter 2.120	City Code Chapter 2.120
Membership and meeting rules	BPAC Policy Guidelines	BPAC Policy Guidelines referencing City Charter Article X	City Charter Article X
Membership appointment	Public Works solicits applications and BPAC reviews applications, conducts interviews and makes recommendations for Council approval	BPAC Policy Guidelines referencing City Clerk procedures and Council interviews applicants	City Clerk procedures and Council interviews applicants

At the January 25, 2021 BPAC meeting (Attachment 3), staff presented updated draft City Code amendments and draft policy guidelines revisions based on past discussions for final BPAC consideration.

The draft City Code amendments are related to City Code Chapter 2.120 and will establish the existence and purpose of the BPAC. Including the BPAC within the City Code will provide consistency with how other Boards, Commissions, and Committees have been established.

The draft revisions to the BPAC’s Policy Guidelines will change procedures to follow rules established within City Charter Article X (“Appointive Boards and Commissions”), except for electing its own Chair, and to follow the City Clerk’s procedures to appoint members.

The BPAC voted in support of the recommended draft City Code amendments and draft policy

guidelines revisions with four requested changes.

1. Member Eligibility - BPAC members to be at least 18 years of age, live or work in the City, and do not have to be a qualified elector of the City.
2. Applications and Appointments - the BPAC to review membership applications, interview applicants, vote for applicants, and make recommendations to Council
3. BPAC Chair - the BPAC to elect their own Chair instead of the Chair being a Councilmember
4. Meetings - the BPAC to have a minimum of 8 meetings, 12 preferred, each year

These four requests were discussed at the meeting and below is more information on the request as well as a staff recommendation for each item.

1. Member Eligibility - Staff reviewed the BPAC's request not to change member eligibility requirements which include living or working in the City and not having to be a qualified elector of the City. This is the current practice of the BPAC and has been in use since the committee's creation in 1991. It is also in alignment with the Metropolitan Transportation Commission (MTC), which requires the creation of a BPAC, and stipulates members may live or work in the City. However, the BPAC did recommend adding a new requirement that members be at least 18 years of age. Staff supports the change requested by the BPAC since members do not need to be qualified electors. Allowing members who live or work in the City may capture more input from those who directly utilize City bicycle and pedestrian facilities which provides additional perspectives and valuable input to the committee. Therefore, staff updated the draft City Code amendment and recommends incorporating this request.
2. Applications and Appointments - Staff reviewed the BPAC's request for the committee to review membership applications, interview applicants, vote for applicants, and make recommendations to Council. As shown in Table 1, the BPAC is the only City board, commission, or committee that does not follow the City Clerk's procedures and rules. The intent of revising the BPAC Policy Guidelines is for BPAC to align more with all other boards, commissions, and committees. In addition, this nuance proved to be a point of controversy amongst the group when the BPAC recently interviewed and voted for new members and conflict of interest issues were raised. Making the BPAC process consistent with the other boards and commissions will help to alleviate these types of issues in the future. Based on this information staff did not support the request and it is not included in the proposed revisions.
3. BPAC Chair - Staff reviewed the BPAC's request to elect its own Chair. Currently a Councilmember serves as Chair, helps clarify the role of the BPAC, and runs meetings in an orderly manner. This has proved to be very valuable in trying to keep meetings focused, manage the agenda, inform members of Council Policy, and remind the BPAC members of their roles. Since the current members of the BPAC interviewed themselves, staff feels that it is essential to have a Councilmember in the role of the BPAC Chair. However, if changes are implemented and the BPAC members are eventually composed of members interviewed and appointed by Council, this request could be reconsidered. Staff would only recommend reconsidering this request once all the members of the BPAC are comprised of members who were appointed by Council.

4. Meetings - Staff reviewed the BPAC's request to increase the number of meetings each year from five to a minimum of eight. This request has been made previously, but budget and staffing levels were unable to support the request. Typical meetings average a duration of five hours and require additional upfront work to set agendas, prepare reports, respond to comments and requests, and prepare minutes. Currently, the Public Works Traffic Division has staffing levels sufficient to support the five (5) meetings stated in the policy guidelines. Recently, 22% of the staffing budget was reduced to reach targeted budget savings and it is challenging for staff to support the five planned meetings. Additional meetings will result in a workload that will far exceed the capacity of available resources and would have a significant impact on workload resulting in delays to other duties, such as traffic inquiries/complaints, construction permits, land development applications, analysis, reports and capital projects. Based on this staff is unable to support the request.

Based on this information staff has updated the proposed changes to the City Code and BPAC Policy Guidelines and is recommending the Committee to recommend them for Council approval. See Attachment 4 (clean version with changes) and Attachment 5 (shown in track changes) for the recommended draft City Code amendments. See Attachment 6 (clean version with changes) and Attachment 7 (shown in track changes) for the recommended draft revisions to the BPAC Policy Guidelines.

#### **ENVIRONMENTAL REVIEW**

There is no environmental impact anticipated with this report.

#### **FISCAL IMPACT**

There is no fiscal impact anticipated with this recommendation.

#### **COORDINATION**

This report was coordinated with the City Manager's Office, City Attorney's Office, and City Clerk'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](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

#### **RECOMMENDATION**

1. Recommend that the City Council enact an ordinance to amend the City Code as shown in Attachment 4 to define the purpose of the Bicycle and Pedestrian Advisory Committee; and
2. Recommend that the City Council approve revisions to the Bicycle and Pedestrian Advisory Committee Policy Guidelines as shown in Attachment 6.

Reviewed by: Craig Mobeck, Director of Public Works  
Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Existing BPAC Policy Guidelines, 2014
2. Governance and Ethics Committee December 7, 2020 meeting, Report 20-991 Regarding BPAC
3. BPAC January 21, 2021 meeting, Report 21-1332 Regarding Governance
4. Proposed City Code Amendments (clean)
5. Proposed City Code Amendments (track changes)
6. Proposed BPAC Policy Guidelines Revisions (clean)
7. Proposed BPAC Policy Guidelines Revisions (track changes)

**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 March 25, 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 25 day of March, 2014.



# City of Santa Clara

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## Agenda Report

20-991

Agenda Date: 12/7/2020

### REPORT TO GOVERNANCE AND ETHICS COMMITTEE

#### SUBJECT

Formalization of the Bicycle and Pedestrian Advisory Committee

#### BACKGROUND

At the September 14, 2020 Governance and Ethics Committee (Committee) meeting, the Committee provided direction to staff regarding policy guidelines for the Bicycle and Pedestrian Advisory Committee (BPAC) under Item 2 (“Discussion and Consideration of Approving a New Boards, Commission and Committee”). Although the City Council approved the formation of the BPAC and the BPAC Policy Guidelines (Attachment 1), there is no City Code section addressing the BPAC. The Committee discussed an option that an ordinance be considered to clearly set forth the composition of the membership of the BPAC and the scope of the BPAC’s jurisdiction.

The Committee directed staff to bring back a recommendation on formalizing BPAC through an ordinance, that reflects the input of both the Committee and BPAC, to the December 7, 2020 Governance and Ethics Committee meeting.

#### DISCUSSION

The BPAC is an advisory body to the City Council on matters relative to modifying or expanding the City’s recreational and commuter bikeway system. Its goal is to encourage recreational and commuter bicycling by promoting safe, convenient, well-designed facilities and by evaluating local bicycle-related projects. BPAC’s purpose, membership, and policies/procedures are established through City Council’s past approval of the BPAC’s Policy Guidelines, with the most recent version being amended by City Council on March 25, 2014.

In researching how to formalize the BPAC per the Committee’s direction, staff has determined that the existing policies and procedures utilized by BPAC are different than other boards, commissions, and committees. For example, BPAC appointments are made using applications administered by Public Works and then reviewed by BPAC members for the BPAC to make recommendations to City Council.

To formalize the BPAC through amendments to the City Code, staff prepared a report (Attachment 2) for BPAC consideration that included the proposed changes to the City Code (to later be enacted by ordinance) and updated BPAC Policy Guidelines to align with all other boards, commissions, and committees. Below is a summary table (Table 1) for the existing and proposed procedures.

**Table 1. Existing and Proposed BPAC Procedures**

20-991

Agenda Date: 12/7/2020

<b>Item</b>	<b>Existing BPAC Reference</b>	<b>Proposed BPAC Reference</b>	<b>Other Boards Commissions, Committees</b>
Purpose	BPAC Policy Guidelines	City Code Chapter 2.120	City Code Chapter 2.120
Membership and meeting rules	BPAC Policy Guidelines	BPAC Policy Guidelines referencing City Charter Article X	City Charter Article X
Membership appointment	Public Works solicits applications and BPAC reviews applications, conducts interviews and makes recommendations for Council approval	Policy Guidelines referencing City Clerk procedures and Council interviews applicants	City Clerk procedures and Council interviews applicants

At the October 26, 2020 BPAC meeting, staff presented the draft City Code amendments and draft policy guidelines revisions. The BPAC provided numerous comments (Attachment 3), declined to vote on staff's recommendations, and formed a special BPAC subcommittee to review the changes. The BPAC subcommittee formed for this Governance item and is scheduled to present their work at the upcoming December 10, 2020 BPAC meeting. It is noteworthy that BPAC has an Annual Work Plan and one of the workplan items for 2021 includes reviewing the BPAC bylaws.

Below is a summary of the proposed City Code amendments and BPAC Policy Guidelines revisions, the BPAC's comments from the October 26, 2020 meeting, and staff's responses to the comments to date.

#### Proposed City Code amendments relating to the BPAC

Staff had drafted City Code amendments relating to City Code Chapter 2.120 to establish the existence and purpose of BPAC. Including the BPAC within the City Code will provide consistency with how other Boards, Commissions, and Committees have been established.

At the October 26, 2020 BPAC meeting, staff presented the draft City Code amendments to the BPAC. BPAC members provided general comments as listed below:

1. Add "to advise staff in addition to Council."
2. Add "to advise council on maintenance of bicycle and pedestrian systems."
3. Add "to advise on bike and scooter share programs."
4. Add "aid in the development of bike/ped masterplans."
5. Add "transportation policies" to the policies that the BPAC considers when the BPAC review projects.
6. Add "Vision Zero, Climate Change, and Greenhouse gas policies to be included in the BPAC's roles and responsibilities."
7. Include "Communities of Concern" as a focus for BPAC's review of projects/programs.

Upon review and analysis of BPAC's comments, staff updated the draft City Code amendments to incorporate comments #2, #3, and #6. Staff does not propose to incorporate the other BPAC recommended changes as BPAC is not authorized to advise staff on work direction (#1), does not work directly on bike/ped masterplans or develop planning documents (#4), does not currently review projects for other transportation policies (i.e. such as Vehicle Miles Travelled or Level of Service) and instead focuses on Complete Streets Policy review (#5), and "Communities of Concern" have been factored into the prioritization of projects within the City's Bicycle Plan and Pedestrian Plan and further review is not warranted (#7). Incorporation of these suggestions would result in a governance issue with respect to how staff is directed to implement policy from the City Council, which would set precedent and also may conflict with future policy making. See Attachment 4 for the updated proposed City Code amendments based on staff's review of BPAC's comments from the October 26, 2020 BPAC meeting.

### BPAC Policy Guidelines Revision

Staff drafted proposed revisions to the BPAC's Policy Guidelines to follow rules established within City Charter Article X ("Appointive Boards and Commissions") and to follow the City Clerk's procedures to appoint members. At the October 26, 2020 BPAC meeting, staff presented the proposed revisions to the BPAC Policy Guidelines to the BPAC. BPAC members provided general comments as listed below:

1. BPAC should be a Commission instead of a Committee
2. BPAC should elect the BPAC chair vs. the chair being a Councilmember

Upon review and analysis of the BPAC's comments, staff does not propose to incorporate BPAC's comments into the proposed revisions to the BPAC Policy Guidelines as the intent of updating the Policy Guidelines is not to change to a commission (#1) or elect its own Chair (#2). The intent is for BPAC to follow the same rules as other boards, commissions, and committees, such as:

- Membership terms are four years and start on July 1
- Action requires a vote of a majority of the entire membership
- Members must be a qualified elector (defined as a citizen eligible to vote)
- Appointments are made using applications administered by the City Clerk and interviews with Council members

See Attachment 5 for the proposed revisions to the BPAC Policy Guidelines.

### BPAC Subcommittee related to Governance

At the October 26, 2020 BPAC meeting, the BPAC formed a subcommittee to review in more detail the proposed City Code amendments and Policy Guidelines revisions. The subcommittee will present its work at the upcoming December 10, 2020 BPAC meeting. The full BPAC and staff will receive and review the subcommittee report and staff will prepare and present a staff analysis at the January 25, 2021 BPAC meeting. The intent is for staff to thoroughly review the subcommittee report and take into consideration the Governance and Ethics Committee's comments from the December 7, 2020 meeting.

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**Governance and Ethics Committee Alternatives**

Based on the formation of the BPAC subcommittee and the upcoming subcommittee report on December 10, 2020, staff proposes to return to the Governance and Ethics Committee at its first quarter meeting in 2021 tentatively scheduled on March 1, 2021, with a report on the BPAC's January 25, 2021 meeting related to this topic.

**ENVIRONMENTAL REVIEW**

There is no environmental impact anticipated with this report.

**FISCAL IMPACT**

There is no fiscal impact anticipated with this recommendation.

**COORDINATION**

This report was coordinated with the City Manager's Office, City Attorney's Office, and City Clerk'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](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

**ALTERNATIVES**

Alternatives 1 and 2:

1. Recommend that the City Council enact the proposed City Code amendments by ordinance to establish the purpose and membership of the BPAC and approve the proposed BPAC Policy Guidelines revision to ensure the BPAC follows the same rules and procedures used by other boards, commissions, and committees.
2. Defer consideration of the proposed City Code amendments and BPAC Policy Guidelines revision until after the BPAC and staff have received the BPAC subcommittee December 10, 2020 report on governance.

**RECOMMENDATION**

Alternative 2: Defer consideration of the proposed City Code amendments and BPAC Policy Guidelines revision until after the BPAC and staff have received the BPAC subcommittee December 10, 2020 report on governance.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Bicycle and Pedestrian Advisory Committee Policy Guidelines, 2014
2. October 26, 2020 BPAC Report Regarding Governance
3. BPAC Comments on Draft City Code Amendments and Draft Policy Guidelines Revisions

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**Agenda Date: 12/7/2020**

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4. Proposed City Code Amendments
5. Proposed BPAC Policy Guidelines Revisions

## **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 March 25, 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 25 day of March, 2014.



## City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
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## Agenda Report

20-1002

Agenda Date: 10/26/2020

**REPORT TO BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE****SUBJECT**

Governance Committee Findings (Liw)

**BACKGROUND**

At the September 14, 2020 Governance and Ethics Committee (Committee) meeting (item 20-313, Attachment 1), the Committee provided direction to staff to formalize the Bicycle and Pedestrian Advisory Committee (BPAC). As a result, the Committee recommended staff to coordinate with the BPAC to draft an ordinance to update the City Code and to also update the BPAC Policy Guidelines.

**DISCUSSION**

The City currently has several boards, commissions, and committees (Commissions). While the BPAC has policy guidelines that have been approved by the City Council, there is no reference to the BPAC within the City Code and Charter. In addition to providing language within the City Code related to BPAC, staff is proposing that the BPAC appoint members and fill vacancies using procedures established by the City Clerk's office to maintain consistency amongst the BPAC and Commissions.

Staff has drafted the proposed language below to update the City Code and the BPAC Policy Guidelines to align BPAC with other City commissions.

**2.120.150 Bicycle and Pedestrian Advisory Committee**

The Bicycle and Pedestrian Advisory Committee shall consist of nine members. Eight members shall not hold any paid office or employment in the City government and one member is a Council Member serving as Chair. The Bicycle and Pedestrian Advisory Committee shall have the following powers, functions, and duties:

- (a) Act in an advisory capacity to Council on matters pertaining to modifying or expanding the City's public recreational and commuter bikeway and pedestrian walkway system.
- (b) Recommend to Council on the priority of bicycle and pedestrian projects for which the City will seek funding under Article 3 of the Transportation Development Act, and other state, federal, and local funding programs.
- (c) Review and advise Council on comprehensive bicycle and pedestrian master plans.
- (d) Recommend roadway modification per the City's Complete Streets policy.
- (e) Support educational, recreational, and cultural activities for bicyclists and pedestrians

Attachment 2 is the BPAC Policy Guidelines with recommended updates. Attachments 3 and 4 are the Charter and Code with rules governing boards and commissions. Attachments 5, 6, and 7 contain references for Commission members.

20-1002

Agenda Date: 10/26/2020

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**RECOMMENDATION**

Review and approve staff's recommendations to update the City Code and the BPAC Policy Guidelines language to align BPAC with other City Commissions.

Reviewed by: Jonathan Yee, Transportation Manager, Public Works

Approved by: Michael Liw, Assistant Director/City Engineer, Public Works

**ATTACHMENTS**

1. September 14, 2020 Governance and Ethics Committee Report
2. BPAC Policy Guidelines with recommended updates
3. City of Santa Clara City Charter Article X
4. City of Santa Clara City Code Chapter 2.120
5. Application for Board, Commissions, and Committee
6. Voting Guidelines for the Appointment of Applicants to Boards and Commissions
7. Guide for Board, Commissions, and Committee Applicants

21-64 ATTACHMENT 2-12/7/20 GOVERNANCE & ETHICS MEETING

Attachment 1

September 14, 2020 Governance and Ethics Committee Report



# City of Santa Clara

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 Santa Clara, CA 95050  
 santaclaraca.gov  
 @SantaClaraCity

## 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**

20-313

Agenda Date: 9/14/2020

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

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>>

#### 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.

**20-313**

**Agenda Date: 9/14/2020**

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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

Attachment 2

BPAC Policy Guidelines with recommended updates

## 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 March 25, 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 and responsibilities of the BPAC are described in Section 2.120.150 of the City Code. ~~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.

Commented [JY1]: Covered by new City Code

It is intended that the BPAC shall be an advisory committee to the City Council as provided in Article X of the City Charter and Chapter 2.120 of the City Code. 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.

Commented [JY2]: Moved from Section 8

### Section 2. Membership

The BPAC is comprised of nine (9) members, which consists of eight (8) regular members and one (1) as appointed by the City Council. ~~The~~ Chairperson or alternate that will be the Mayor or Councilperson designated by City Council.

Members must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.

Applications for BPAC membership shall be in a format determined by the City of Santa Clara City Clerk's Office.

Voting for BPAC membership shall be in accordance with the City of Santa Clara Voting Guidelines for the Appointment of Applicants to Boards and Commissions. ~~and shall be considered a member.~~

-The ~~remaining~~ eight (8) regular 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, and Vacancies~~

The term of office ~~and removal of members are described in Article X of the City Charter 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.~~

**Commented [JY3]:** Covered by Charter. Staggered terms expirations have been memorialized on BPAC roster roll

### ~~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.~~

**Commented [JY4]:** Moved to Section 3

### Section ~~5~~4. Meetings

~~Meetings must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.~~

The BPAC shall hold meetings on the ~~third~~ ~~fourth~~ ~~Monday~~ ~~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 a~~ Additional meetings can be ~~approved~~ ~~recommended~~ by a quorum of the committee ~~and approved by the City Manager~~. 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.~~

**Commented [JY5]:** Covered by Section 4. Meetings

**Section 7. Voting**

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

Commented [JY6]: Covered by Section 4. Meetings

**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.~~

Commented [JY7]: Moved to Section 1

**Section 96. Assistance of Staff**

~~The BPAC may utilize City personnel as described in Section 2.120.040 of the City Code. The City Manager of the City of Santa Clara shall provide the BPAC with information and staff assistance but the~~ 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.

Commented [JY8]: Covered by City Code

**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.~~

Commented [JY9]: Covered by Section 2. Membership

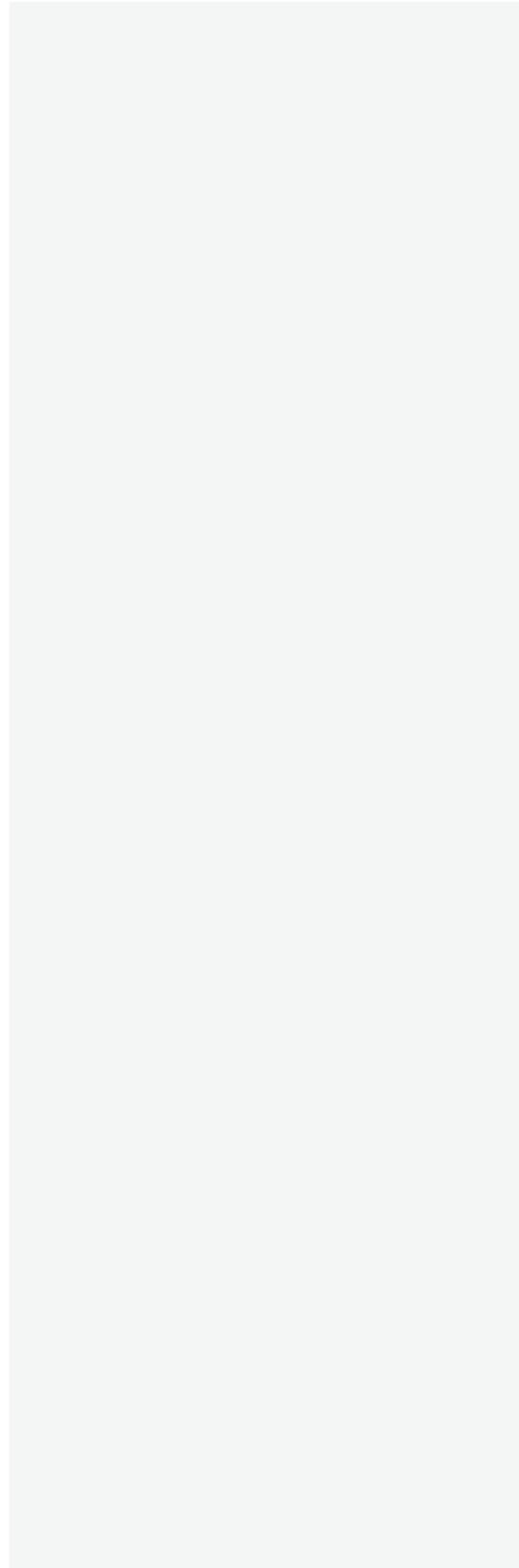
**Section 448. Amendments**

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

21-64 ATTACHMENT 2-12/7/20 GOVERNANCE & ETHICS MEETING

PASSED AND RECOMMENDED FOR ADOPTION by the Bicycle Advisory Committee this \_\_\_ day of \_\_\_\_\_.

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



Attachment 3

City of Santa Clara City Charter Article X

## CITY CHARTER

### Article X. Appointive Boards and Commissions

#### **Sec. 1000 In general.**

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City Council which are not inconsistent herewith. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

#### **Sec. 1001 Appropriations.**

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

#### **Sec. 1002 Appointments; terms.**

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. Except as otherwise provided in this article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified; provided, however, the members first appointed to those boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of at least one of their number shall expire.

#### **Sec. 1003 Meetings; Chair.**

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action. Each board or commission shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the

production of evidence before it. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

**Sec. 1004 Compensation, vacancies.**

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. 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 so declared by the City Council. (As amended, 1967 Statutes, Senate Concurrent Resolution No. 35; Chapter 61; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

**Sec. 1005 Oaths; affirmations.**

Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Attachment 4

City Code Chapter 2.120

**CITY CODE**

**Chapter 2.120 BOARDS AND COMMISSIONS**

Article I. Establishment, Powers and Duties Generally

**2.120.010 Names, membership, qualifications and terms of office.**

There shall be and there are established within the City the following boards and commissions:

- (a) Planning Commission. (SCCC [2.120.050](#))
- (b) Parks and Recreation Commission. (SCCC [2.120.060](#))
- (c) Civil Service Commission. (SCCC [2.120.070](#))
- (d) Board of Library Trustees. (SCCC [2.120.080](#))
- (e) Historical and Landmarks Commission. (SCCC [2.120.100](#))
- (f) Senior Advisory Commission. (SCCC [2.120.110](#))
- (g) Youth Commission. (SCCC [2.120.130](#))
- (h) Cultural Commission. (SCCC [2.120.140](#))

All members of boards and commissions, except for members of the Youth Commission, shall be qualified electors of the City and shall serve at the pleasure of the City Council. (Ord. 947; Ord. 1088; Ord. 1241 § 3, 4-13-71; Ord. 1276 § 1, 6-26-73; Ord. 1625 § 1, 7-16-91; Ord. 1673 § 1, 6-20-95; Ord. 1809 § 1, 9-26-06; Ord. 1908 § 1, 7-16-13. Formerly § 2-90).

**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).

**2.120.030 Meetings.**

Each board or commission of the City with members thereon appointed by the City Council shall hold regular meetings at the times and on the days indicated by resolution of the City Council except when such day falls on a City holiday, and shall hold such special meetings as it may require. The times and days for holding regular meetings are subject to amendment from time to time by resolution of the City Council. A copy of the applicable resolution(s) is and will be available for public inspection in the office of the City Clerk. (Ord. 1298 § 2, 10-15-74; Ord. 1300 § 1, 11-12-74; Ord. 1569 § 1, 5-26-87. Formerly § 2-91.1).

**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).



**City of  
Santa Clara**  
The Center of What's Possible

Public Works/Engineering

Attachment 5

Application for Board, Commissions, and Committee



# City of Santa Clara

The Center of What's Possible

## 21-64 ATTACHMENT 2-12/7/20 APPLICATION BOARD, COMMISSIONS, AND COMMITTEE

CITY OF SANTA CLARA  
City Clerk's Office 1500 Warburton Avenue,  
Santa Clara, California 95050

Phone: 408-615-2220 E-mail: [Clerk@santaclaraca.gov](mailto:Clerk@santaclaraca.gov)

\*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader:  
<http://get.adobe.com/reader>

Board/ Commission/ Committee Applying For:

Name:

Address:

City:

State:  Zip Code:

E-mail Address:

Primary Phone Number

Secondary Phone Number

Are you eligible to register to vote in Santa Clara?  Yes  No  Unsure

Are you a registered voter of Santa Clara?  Yes  No  Unsure

Have you attended a meeting of this Board/ Commission/Committee?  Yes  No  Unsure

Present Employer:

Job Title:

Previous Governmental Bodies/ Elective Offices  
Applicant has served:

Position/ Office Held:

Dates:

21-64 ATTACHMENT 2-12/7/20 GOVERNANCE & ETHICS MEETING

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Civic or Charitable Organizations to which Applicant has belonged:

Position(s) Held:

Dates:

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Special Interests, Hobbies or Talents:

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College, Professional, Vocational Schools attended:

Major Subject:

Degree/Dates:

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21-64 ATTACHMENT 2-12/7/20 GOVERNANCE & ETHICS MEETING

Special awards or recognition received:

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Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?  Yes  No  Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises?  Yes  No  Unsure

Signature of Applicant:

Date Signed:

**By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.**

Attachment 6

Voting Guidelines for the Appointment of Applicants to Boards and Commissions

**CITY OF SANTA CLARA  
VOTING GUIDELINES FOR THE APPOINTMENT  
OF APPLICANTS TO BOARDS AND COMMISSIONS**

- 1) Council is given a copy of the applications in their weekly packet to review and consider applicant qualifications.
- 2) Council interviews applicant. Interviews are held at a City Council Meeting for the Planning Commission and Civil Service Commission. Interviews are held in a less formal area of City Hall for all other Boards and Commissions.
  - A) Each applicant is given three (3) minutes for an opening statement. The applicant may respond to questions from the Council. The applicant has one (1) minute for a closing statement.
- 3) Council votes for applicants:
  - A) If there are four (4) or fewer applicants the Council will cast one vote each for their desired appointee.
  - B) If there are five (5) or more applicants, the Council will cast one vote each for their two desired appointees. Only one vote per applicant is allowed. A Councilmember may choose to vote for only one applicant but will relinquish the other vote.
- 4) The votes are tallied:
  - A) If there are four (4) or fewer applicants the Clerk will announce the winner.
    - i. If there is a tie, there will be 3 re-votes for the Council to reconsider the applicants. The Council has the opportunity to deliberate between each round of re-voting.
    - ii. If there is still a tie and there is not a full Council present, the Council will defer the decision until a full Council is present, and re-interview the top two applicants.
    - iii. If there is a full Council present, the Members will draw straws, with the person drawing the long straw abstaining from voting at the next round. The Council has the opportunity to deliberate.
    - iv. The Council votes, with the applicant receiving the highest number of votes being the winner. The City Clerk will announce the winner.
  - B) If there are five (5) or more applicants, the Clerk will announce the two applicants who received the highest number of votes. The Council then has an opportunity to deliberate regarding the remaining two applicants.

The Council will then cast one vote each for their desired appointee. The City Clerk will announce the winner.

- i. If there is a tie, there will be 3 re-votes for the Council to reconsider the applicants. The Council has the opportunity to deliberate between each round of re-voting.
  - ii. If there is still a tie and there is not a full Council present, the Council will defer the decision until a full Council is present, and re-interview the top two applicants.
  - iii. If there is a full Council present, the Members will draw straws, with the person drawing the long straw abstaining from voting at the next round. The Council has the opportunity to deliberate.
  - iv. The Council votes, with the applicant receiving the highest number of votes being the winner. The City Clerk will announce the winner.
- 5) A Council Member makes a motion to appoint the applicant that received the highest number of votes. The Council has the opportunity to vote unanimously to appoint the applicant using the Council Chambers electronic voting equipment.

Attachment 7

Guide for Board, Commissions, and Committee Applicants



**City of  
Santa Clara**  
The Center of What's Possible

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# **GUIDE FOR BOARD, COMMISSIONS AND COMMITTEE APPLICANTS**

## **A Guide for Board, Commissions and Committee Applicants**

The City Charter requires that all members of the Board, Commissions or Committee (referred to collectively as “Commissioners”) be residents and qualified electors in the City of Santa Clara (Section 1004). While membership on a Commission requires no definite qualifications, there are desirable characteristics which the City Council will be looking for as they review applications:

### **Familiarity with Community:**

The City Council expects that all appointees have lived in Santa Clara for at least a year immediately prior to their appointment and are somewhat familiar with the physical, social and economic make-up of the City. Applicants should demonstrate an active interest and involvement in the community.

### **Familiarity with Major Issues:**

While it will be assumed that applicants are familiar with the specific issues that are being addressed by the Commission for which they are applying, it is also expected that applicants are aware of far reaching issues that impact all sectors of City programs and services.

### **Knowledge of the Commission:**

It is assumed that during the application process, applicants will become familiar with the responsibilities and role of the Commission in the City's policymaking structure.

### **Commitment to Serve:**

It is fully expected that appointed Commissioners will serve their full term of office. While personal or professional circumstances might necessitate an unexpected resignation, applicants who are aware of any reasons why they may not be able to complete a full term or attend regularly scheduled meetings, should indicate this on their application. While time commitments will vary depending upon schedules and workload, Commissioners are expected to attend all scheduled meetings and in addition, may be expected to participate in study sessions or serve on subcommittees and attend Special Meetings, as necessary.

### **Relations with the Community:**

The actions of Commissioners will reflect on the City of Santa Clara. Commissioners are expected to relate to the community with impartiality and courtesy, fostering government at its best.

## **Tips for Applying for a Commission**

The application can be found online at [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions).

### **Type or Neatly Print your Application:**

Staff must be able to read your application in order to process it efficiently.

### **Answer All Questions on the Application:**

The City Council reviews your application to get an understanding of your background and experience, and what skills and talents you believe you could bring to a particular Commission. Do not forget to sign your application.

### **Attend one or two Meetings of the Commission for which you are Applying:**

Find out what kinds of issues the Commission is currently facing and what issues may be coming in the future. Review the minutes of the Commission's meetings which are available online and in the City Clerk's Office.

### **Talk to Commissioners:**

Contact the City Clerk's Office or visit the City's website at [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions) for a roster of Commissioners. Commissioners can share with you their experience on the Commission, give you an estimate of the time commitment involved in serving, and share with you what they see as current and future issues for the Commission.

### **Talk to City Staff Liaisons to the Commission:**

Listed on the above-mentioned roster is a City staff liaison who is assigned to work with a particular Commission. The City staff liaison is a good resource in learning more about the function and role of serving as a Commissioner. (City staff cannot recommend or lobby for any applicant for a Commission).

### **Find out City Council's Priorities and Interests:**

Attend City Council meetings and review meeting minutes. Contact the City Clerk's Office for a schedule of meetings or visit [www.santaclaraca.gov](http://www.santaclaraca.gov).

### **Review the Code of Ethics for Appointed and Elected Officials:**

Included at the end of this Guide is a copy of the Code of Ethics. Review it and understand that if you are appointed to a Commission, you will be required to abide by it.

### **Prepare for the Interview:**

Although we do not know what specific questions the City Council will ask, it is suggested that you clarify for yourself why you are applying for a specific Commission, understand the role and function of the Commission, and be familiar with the current issues it is examining.

### **Treat the Interview with the City Council like a Business Interview:**

Professional business dress is appropriate. Understand that the City Council is not only considering what experience, skills and talents you bring to a Commission, but also how well you will represent the City.

## **Application Process/Appointments**

When a vacancy on a Commission occurs, the City Manager's Office staff prepares a press release which is distributed to all local media, including the *Santa Clara Weekly*. The vacancy is announced during a scheduled City Council meeting, on the City's Municipal Cable Channel 15, on the City's website and through the City's social media channels. Copies of the announcement are sent to those individuals on the list of interested parties. Anyone may have their name added to the list of interested parties to be notified by contacting the City Clerk's Office or by filling out the interest form found at [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions).

Applications for vacancies are obtained online at [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions) or from the City Clerk's Office at 1500 Warburton Avenue. Completed applications can be submitted online at [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions), via email to [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or to the City Clerk's Office. The completed applications are forwarded to the City Council in the regular agenda packets for public review. The City Council interviews all applicants (except for the Youth Commission) at a date certain. The official appointment of Commissioners is made at a City Council meeting by at least four affirmative votes of the City Council. Applications will be kept confidential until placed on the Council agenda, at which time applications are made public in their entirety.

Youth Commission applications are distributed and available to middle school and high school students in the City of Santa Clara. The Staff Liaison will coordinate the interview process. A list of recommended applicants and alternates to the Youth Commission will be submitted to the City Council. The Council approves the final selection and appointment of Youth Commissioners.

## **Term of Office**

Commissioners generally are appointed for a four-year term. The City Council may reappoint an existing member or fill the vacancy with a new applicant. The maximum time a Commissioner may serve is two consecutive full terms, except the Youth Commission who serve for a one-year term with a maximum of 4 years (4 terms). If an individual is appointed to fill a partial term he or she may still serve two additional full terms of office. After a lapse of at least two years, an individual is eligible to reapply to serve on the same Commission and the same application process would apply as for individuals who have never served. Individuals may apply to serve on a different Commission once their term of office expires for their current commitment (minutes of City Council meetings 12/1/59 and 10/17/78). The term of office officially begins when the new member takes the oath of office administered by the City Clerk and meets with the Staff Liaison to the Commission. There is no monetary compensation or benefits for Commissioners.

## **Disclosure Statements - Economic Conflicts of Interests**

**Disclosure statements must be filed by Planning Commissioners, Civil Service Commissioners and Housing Rehabilitation Loan Committee Members.**

Commissioners of these three entities are required to file an Annual Statement of Economic Interests to disclose the investments and interest in real property held and income received each year. Newly appointed Commissioners to these groups must file an Assuming Office Statement that discloses any investments or interests in real property held by the Commissioners on the date he or she assumed office, and during the twelve (12) months prior to the date the office was assumed. All outgoing Commissioners to these groups must also file a Leaving Office Statement when he or she resigns or at the end of his or her term(s).

The City Clerk administers disclosure statements and maintains original file copies of all statements. These are available for public review in the City Clerk's Office. The statements of Planning Commissioners are forwarded to the Fair Political Practices Commission and copies are retained for public review in the City Clerk's Office.

### **No Contracts with the City:**

Commissioners cannot have any contracts with the City. Penalties for violation of Government Code Section 1090 are severe: the contract is invalidated, the individual is disqualified for life from public office, and the individual can be charged with criminal action.

## **Purpose**

### **How Commissioners Serve the Citizens of Santa Clara**

***“You make a living by what you get, but you make a life by what you give.”***

**Winston Churchill**

Commissioners play a critical role in the City of Santa Clara. They serve as a conduit for citizen input - a way of gathering, analyzing and recommending options to the City Council which has the final responsibility for making policy decisions. City staff can provide professional and technical expertise and, of course, any citizen can come before the City Council to offer an opinion or make a suggestion. Commissioners provide another important avenue for determining the community's feelings about an issue. The individuals who serve on Commissions are among the most respected and appreciated volunteers in the community.

The formal descriptions of the roles and responsibilities of Commissioners, as set in the City Charter and City Code, are included in the back of this guide. Here is a brief summary of how Commissions serve the democratic process in the City of Santa Clara.

#### **The Purpose of Commissions in Santa Clara is to:**

- Hold public meetings and use other means to determine how the community feels about issues related to their respective fields.
- Recommend policies and procedures related to their respective fields to the City Council.
- Serve as an intermediary between the public, City staff, and the City Council by providing information, explanation, and support for different points of view.
- Exemplify the mission statement of City government in Santa Clara which is "to promote a living and working environment that allows for the best quality of life by serving the community with resourceful, efficient, progressive and professional leadership."

## **City Government Background Information**

### **Putting Commissions into Context**

***"Those in high places are more than the administrators of government bureaus. They are more than the writers of law. They are the custodians of a nation's ideals, of the beliefs it cherishes, of its permanent hopes, of the faith which makes a nation out of a mere aggregation of individuals."***

**Walter Lippmann**

The City of Santa Clara is a Charter City, incorporated in 1852 under the laws of the State of California. Santa Clara uses a Council-Manager form of government. The City Council serves as the legislative body, sets policies and procedures, and represents the citizens of Santa Clara. The City Manager, as the Chief Executive Officer appointed by the City Council, implements City Council policies and procedures. The City Attorney and the City Auditor are also appointed by the City Council while the City Clerk and the Chief of Police are full-time elected positions. The City Council also serves as the governing board for the Stadium Authority, Sports and Open Space Authority, and Housing Authority, with the City Manager, City Attorney, and City Clerk serving in comparable roles.

### **City Council**

The Santa Clara City Council, the governing body of the City, is made up of six Council Members and a directly elected Mayor, who are elected in a non-partisan election and serve "at large," representing the whole City; not a particular district. The City Council is accountable to the citizens it serves. Elections are held in November of even calendar years except when special elections are held. City Council Members and the Mayor serve four-year terms and each may serve a maximum of two consecutive terms. Four council terms are up in one election; two other council terms and the Mayor's term are up two years later.

The City Council formulates policies, approves programs, appropriates funds and establishes local taxes and assessments. The decisions of the City Council are reached by a majority vote. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are in the City Code. Other City Council directives and policies are recorded in resolutions or council minutes.

The Santa Clara City Council generally meets twice per month, separately but concurrently with the Santa Clara Stadium Authority, Sports and Open Space Authority and City of Santa Clara Housing Authority. Meetings generally start in the evening at various times between 5:00 pm and 7:00 pm. Copies of the concurrent City Council agenda are available 72 hours before the meetings at the City Clerk's Office, Central Park Library, Mission Library Family Reading Center, Northside Branch Library and on the City's website [www.santaclaraca.gov/commissions](http://www.santaclaraca.gov/commissions). Agenda packets, which contain the agenda and information on each agenda item, are available in the City Clerk's Office, on the City's website, and can also be viewed at all City libraries. Summaries of the actions from previous City Council meetings can also be found on the City's website.

Council meetings are broadcast live on Cable Channel 15, "Mission City TV." Council meetings are also streamed live on the City's website. Agendas and back-up reports can also be found on the City's website. Following the Council Meeting, a rebroadcast of the meeting will be

shown on Cable Channel 15 on Wednesday at 7:00 pm and Thursday at 1:00 pm. Call 1-408-615-2210 for broadcast information. DVD's of the meetings are placed at all three City Libraries for checkout by patrons. Council meeting highlights and other municipal announcements appear weekly on "Mission City TV."

### **City Manager**

The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council. The City Manager attends all City Council meetings, implements policies and procedures initiated by the City Council, prepares and administers the municipal budget, advises the City Council of future financial needs of the City, initiates and supervises business relationships, and directs the daily operations of City government. The use of City-owned property and economic development are handled through the City Manager's Office, as are community and media relations, special projects, research and contracts, emergency services, training and safety, redevelopment, special agency activities, and the overall general administration budget. The City Manager's Office also administers the franchise for cable systems within City boundaries and manages the City's government cable channel and video services. The City Manager is responsible for all City personnel and serves as a liaison to each commission. The City Manager also serves as the Executive Director of the Santa Clara Stadium Authority; City of Santa Clara Housing Authority; and Contract Administrator for the Sports and Open Space Authority.

### **City Attorney**

The City Attorney is appointed by the City Council. The City Attorney advises the City Council and City officers (in their official capacity) in legal matters; attends all City Council meetings and some board/commissions/committee meetings; represents the City in legal actions and proceedings; and retains, supervises and monitors outside legal counsel. The office of the City Attorney also approves the form of all bonds and contracts made by the City; prepares/approves all ordinances, resolutions and amendments for the City; and prosecutes criminal cases for violation of the Charter and City ordinances. The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City, its officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

### **City Clerk**

The City Clerk is directly elected by the residents and serves as the City's elections official, implements Santa Clara's good-government community outreach programs, and protects the public record of City Council proceedings. The City Clerk conducts municipal elections for candidates and initiatives, as well as implements Fair Political Practices Commission statements of economic interest and campaign disclosure statements of candidates. The City Clerk implements many of the City's good government and community outreach efforts as they relate to elections, voter registration, board and commission recruitment, and citizenship outreach. The City Clerk attends all City Council meetings and is responsible for the recording, writing and maintenance of the records of City Council proceedings. The City Clerk publishes ordinances, resolutions, and other official City documents as well as stores and indexes official documents and City records for retrieval. The City Clerk is also the custodian of the Seal of the City, administers oaths, receives and records claims and official notices pertaining to the affairs and business of the City, and certifies copies of official records.

### **City Auditor**

The City Auditor is one of three positions appointed by the City Council. The City Auditor audits and approves all bills, invoices, payrolls, demands, or charges against the City government. With the advice of the City Attorney, the City Auditor also advises the City Council as to the regularity, legality and correctness of any claims, demands or charges. Additionally, the City Auditor works closely with the City Manager and the Director of Finance for the effective administrative implementation of Council goals in conformity with City, County, State and Federal laws and regulations.

### **Santa Clara Stadium Authority**

The Santa Clara Stadium Authority ("Stadium Authority") was created on February 22, 2011 with the approval of a Joint Powers Agreement between the City Council and the Redevelopment Agency [Resolution No. 11-7825 and 11-7 (RA)]. It was formed as a Joint Powers Authority to facilitate the development, ownership and operation of the Stadium and to fulfill the mandates of Measure J, "The Santa Clara Stadium Taxpayer Protection and Economic Progress Act." The Stadium Authority is structured so that the City will be liable for the debts or obligations of the Stadium Authority. The members of the City Council shall serve as Board Members on the Stadium Authority [Resolution No. 11-7 (STADIUM AUTHORITY) approved March 29, 2011]. The Stadium Authority generally meets on Tuesdays, separately but concurrently with City Council meeting in the City Hall Council Chambers at 1500 Warburton Avenue, Santa Clara, California. Call 1-408-615-2210 for additional information.

### **Sports and Open Space Authority (SOSA)**

The Sports and Open Space Authority of the City of Santa Clara was created in 1974, establishing a separate agency to deal with the problems of acquisition and preservation of open space within the City and the development of local sports activities. Since its creation, the Sports and Open Space Authority has been involved in a number of successful projects for and on behalf of the City, including the Santa Clara Golf and Tennis Club, and the Ulistac Natural Area. The Sports and Open Space Authority meets on Tuesdays, separately but concurrently with the City Council meetings in the Council Chambers at City Hall, 1500 Warburton Avenue, Santa Clara, California. Call 1-408-615-2210 for additional information.

### **City of Santa Clara Housing Authority**

The City of Santa Clara Housing Authority was created on February 22, 2011 by the City Council due to findings that unsanitary and/or unsafe inhabited dwelling accommodations existed and that there was a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford by the City of Santa Clara on February 22, 2011 (Resolution No. 11-7827). The members of the City Council shall serve as Commissioners on the Housing Authority [Resolution No. 11-3 (HOUSING AUTHORITY) approved March 15, 2011]. The Housing Authority administers the Affordable Housing Fund to provide financing assistance for various programs and projects in the City of Santa Clara that provide affordable housing opportunities, projects and programs for very low, low and moderate income households. The Housing Authority generally meets on Tuesdays, separately but concurrently with the City Council meetings in the Council Chambers at City Hall, 1500 Warburton Avenue, Santa Clara, California. Call 1-408-615-2490 for additional information.

**City Board, Commissions, and Committee Information**

**Board, Commissions, and Committee**

The City of Santa Clara currently has nine advisory groups categorized as a board, commission or committee. Each has a specific focus and serves to make recommendations to the City Council on issues related to that specific policy field. The City Manager is the official liaison to each group and either serves personally as the liaison or appoints a staff member to serve in this capacity.

Commissioners are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. Commissioners must be residents of Santa Clara and be qualified electors in the City of Santa Clara. The Youth Commission is open to Santa Clara residents between the ages of 12-19 years old.

Members of Charter-established Commissions (Planning Commission, Civil Service Commission, Parks and Recreation Commission and the Board of Library Trustees) have the power to administer oaths and affirmations in any investigation or proceeding pending before that group. Generally, only the Planning Commission, Civil Service Commission and Housing Rehabilitation Loan Committee conduct investigations or proceedings.

<b>Board of Library Trustees</b>	Generally 1 <sup>st</sup> Monday, 6:30 pm	Central Park Library Board Room 2635 Homestead Road
Establishes, accepts and supervises the public library program. The Board also makes and enforces by-laws, rules and regulations for the administration of the public library. (5 members)		
<b>Civil Service Commission</b>	Generally 2 <sup>nd</sup> Monday, 7:00 pm Every other month	City Hall Council Chambers 1500 Warburton Avenue
Advises the City Council on matters pertaining to Civil Service rules and regulations and acts as a Board of Review to hear petitions by Civil Service employees and applicants. (5 members)		
<b>Cultural Commission</b>	Generally 1 <sup>st</sup> Monday, 7:00 pm	City Hall Staff Conference Room 1500 Warburton Avenue
Advises the City Council on matters pertaining to the enhancement of multicultural experiences and beautification of the City through art. (7 members)		
<b>Historical and Landmarks Commission</b>	Generally 1 <sup>st</sup> Thursday, 7:00 pm	City Hall Council Chambers 1500 Warburton Avenue
Advises the City Council on matters pertaining to historical landmarks, names and renaming of streets, and the marking and preservation of historical landmarks. (7 members)		

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<b>Housing Rehabilitation Loan Committee</b>	Quarterly, Generally 2 <sup>nd</sup> Thursday, 8:00 am	Housing and Community Services Division 1500 Warburton Avenue
Reviews applicant proposals from low to moderate income homeowners for City loans or grants for home improvements. (4 members)		
<b>Parks and Recreation Commission</b>	Generally 3 <sup>rd</sup> Tuesday, 7:00 pm	City Hall Cafeteria 1500 Warburton Avenue
Advises the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment. The Commission oversees an annual Art & Wine Festival held in Central Park. (7 members)		
<b>Planning Commission</b>	Generally 2 <sup>nd</sup> and 4 <sup>th</sup> Wednesdays, 7:00 pm	City Hall Council Chambers 1500 Warburton Avenue
Advises the City Council in all matters pertaining to the physical development of Santa Clara, and makes recommendations with respect to land subdivisions, zoning (as prescribed by ordinances) and more. (7 members)		
<b>Senior Advisory Commission</b>	Generally 4 <sup>th</sup> Monday, 10:00 am	Senior Center 1303 Fremont Street
Advises the City Council in matters affecting people age 50 and older in Santa Clara, including health, education, employment, housing, transportation and recreation. (7 members)		
<b>Youth Commission</b>	Generally 2 <sup>nd</sup> Tuesday, 6:00 pm September through May	Teen Center 2446 Cabrillo Avenue
Advises the City Council on community programs for youth and teens, and encourages youth involvement in local government. (15 members)		

## **Specific Responsibilities of Commissions**

### **Board of Library Trustees**

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government. (Charter Sec. 1012)

The Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

- (a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City library;
- (b) Approve or disapprove the appointment of a librarian who shall be the department head;
- (c) Accept into the library fund and administer money, personal property or real estate donated to the City or otherwise acquired for library purposes subject to the approval of the City Council;
- (d) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Charter Sec. 1013)

The Board of Library Trustees shall be primarily responsible for the following:

- (a) Establishing, accepting and supervising a significant public library program.
- (b) Providing for balanced library collections and services which represent the diverse perspectives of the community.
- (c) Making recommendations to the City Council on library policies which ensure maximum public access to library collections and services.
- (d) Serving as a central focus for citizen comment on library operations and materials and the provision of appropriate recommendations or response.
- (e) Supporting educational, recreational and cultural activities for citizens of all age groups, consistent with the mission of the library program.
- (f) Representing the library program to the City, the community, other government agencies and organizations.
- (g) Performing such other duties and exercising such powers as the City Council may impose or require. (City Code Section 2.120.080)

### **Civil Service Commission**

There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. (Charter Sec. 1010)

Civil Service Commission – Powers and duties.

(a) The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test, without regard to partisan politics, race, color or religious belief.

(b) Act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions.

(c) Perform such other duties as may be required by the civil service rules and regulations. (Charter Sec. 1011)

The Civil Service Commission shall be primarily responsible for the following:

(a) The establishment, acceptance and continued supervision of a well-rounded civil service program.

(b) The recruiting, examining and establishing of a list of eligibles for appointment to the City service in accordance with established merit principles.

(c) The hearing of appeals by members of the classified service and acting upon the same. (City Code Section 2.120.070)

### **Cultural Commission**

The Cultural Commission shall consist of seven members, whose members shall not hold any paid office or employment in the City government, and shall be primarily responsible for the following:

(a) Act in an advisory capacity to the City Council in all matters pertaining to cultural enrichment and beautification of the city.

(b) Encourage the beautification of the City and programs for the cultural enrichment of the City.

(c) Perform such other duties and exercise such powers as the City Council may impose or require. (City Code Section 2.120.090).

### **Historical and Landmarks Commission**

The Historical and Landmarks Commission shall consist of seven members, whose members shall not hold any paid office or employment in the City government, and shall have power and be required to do the following:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to historical landmarks, names and renaming of streets, museums and the establishment thereof in the City, and the marking and preservation of historical landmarks and places.
- (b) Exercise such other functions as it may be required to perform by the City Council. (City Code Section 1.120.100)

### **Parks and Recreation Commission**

There shall be a City Parks and Recreation Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. (Charter Sec. 1008)

The Parks and Recreation Commission shall have power and be required to:

- (a) Act in advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment.
- (b) Consider the annual budget of the Parks and Recreation Department during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council.
- (c) Assist in the planning and supervision of a recreation program for the inhabitants of the City, promote and stimulate public interest therein and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein. (Charter Section 1009)

The Parks and Recreation Commission shall be primarily responsible for the following:

- (a) The establishment, acceptance and continued supervision of a long-range parks and recreational program for the City.
- (b) Planning and implementing an annual program of recreational and cultural activities for all age groups.
- (c) Recommending and supervising all the City's contractual relationships with other agencies in the recreational field.
- (d) Serve as a correlating agency between the City and other units of government on recreational undertakings.
- (e) The planning and supervision of the City cemetery. (City Code Section 2.120.060)

### **Planning Commission**

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government except that the City Manager, and the Director of Public Works and Utilities, or their designated representatives, shall serve as ex-officio members of the commission. (Charter Sec. 1006)

The Planning Commission shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of the General Plan or any part thereof for the physical development of the City.
- (b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance.
- (c) Exercise such planning, zoning, environmental or other function as now or may be hereafter authorized by the provisions of the State of California in so far as they do not conflict with the provisions of this Charter. (Charter Section 1007)

The Planning Commission shall be primarily responsible for and have the following duties:

- (a) The establishment, acceptance and continued supervision of a long-range master plan for the future development of the City.
- (b) The proper application and preservation of the zoning and land use regulations of the City and recommending such revisions and amendments as may be deemed necessary.
- (c) The processing of subdivision tract maps and property development applications in accordance with prescribed standards.
- (d) Serve as a correlating agency for the capital improvement program of the City. (City Code Section 1.120.050)

### **Senior Advisory Commission**

The Senior Advisory Commission shall consist of seven members who shall not hold any paid office or employment in the City government, and shall have the following powers, functions, and duties:

- (a) Study, review, evaluate and make recommendations to the City Council relative to any and all matters affecting elderly people in the City of Santa Clara.
- (b) Make such studies and submit to the Council such reports or recommendations respecting matters affecting elderly people, and such matters as the Council may from time to time request. (City Code Section 2.120.110)

### **Youth Commission**

The Youth Commission shall consist of no more than fifteen youth members who shall be residents of the City and be primarily responsible for the following:

- (a) To act in an advisory capacity to the City Council in all matters pertaining to the youth and teen population within Santa Clara, especially as related to municipal programs and projects of the City.
- (b) To perform such other related functions as may be assigned to them by the City Council.

Additional powers and duties of the Youth Commission shall be as determined by the City Council, by resolution, and may be amended, from time to time, to properly reflect changes in qualifications, composition and responsibilities of the Youth Commission as the City Council deems necessary. (City Code Section 2.120.130)

### **Housing Rehabilitation Loan Committee**

The Housing Rehabilitation Loan Committee consists of four members: a City Councilmember and three residents. The Committee meets quarterly to vote on projects and issues related to the Community Services Division Neighborhood Conservation and Improvement Program (NCIP) which utilizes federal Community Development Block Grant (CDBG) and Home Investment Partnerships Act Entitlement (HOME) monies to rehabilitate homes of low to moderate income homeowners who reside within the City limits.



## City of Santa Clara, CA Code of Ethics and Values



### PREAMBLE

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

**1. As a Representative of the City of Santa Clara, I will be *ethical*.**  
**In practice, this value looks like:**

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

**2. As a Representative of the City of Santa Clara, I will be *professional*.**  
**In practice, this value looks like:**

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

**3. As a Representative of the City of Santa Clara, I will be *service-oriented*.**  
**In practice, this value looks like:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PRACTICAL CAMPAIGN ETHICS IN SANTA CLARA

If I pledge that . . .	because our community values	then is this behavior appropriate?
1. I shall conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing the record and policies of my opponent or political parties which merit such criticism.	<ul style="list-style-type: none"> <li>• integrity</li> <li>• truth</li> <li>• moral courage</li> <li>• professionalism</li> </ul>	<ul style="list-style-type: none"> <li>—avoiding tough issues and instead focusing on personalities and innuendo</li> <li>—sending out a “hit piece” that distorts my opponent’s record, educational background, and positions on issues</li> <li>—timing this “distortion piece” so it arrives when it’s too late for opponent’s response</li> </ul>
2. I shall not use or permit the use of character defamation, whispering campaigns or scurrilous attacks on any candidate or his or her personal or family life.	<ul style="list-style-type: none"> <li>• ethics</li> <li>• respect</li> <li>• fairness</li> <li>• compassion</li> </ul>	<ul style="list-style-type: none"> <li>—reveal that my opponent is a recovering alcoholic</li> <li>—exploit the criminal record of my opponent’s child</li> <li>—instruct my aide to give the press the name and phone number of a person who claims to have had an affair with my opponent</li> </ul>
3. I shall not use or permit any appeal to negative prejudice based upon race, sex, religion, national origin, physical health status, or age.	<ul style="list-style-type: none"> <li>• tolerance</li> <li>• diversity</li> <li>• fairness</li> <li>• respect</li> </ul>	<ul style="list-style-type: none"> <li>—portray my opponent as too old to be an effective leader</li> <li>—make the claim that because of my religious beliefs I am better able to respect certain community values</li> <li>—question the person’s patriotism simply because they were not born in this country</li> </ul>
4. I shall not use or permit any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.	<ul style="list-style-type: none"> <li>• fairness</li> <li>• integrity</li> <li>• participation</li> <li>• justice</li> <li>• honesty</li> <li>• service-orientation</li> </ul>	<ul style="list-style-type: none"> <li>—use my current public position as an early campaign soapbox, altering my previous behavior, paying attention to current matters only if they advance my campaign.</li> <li>—encourage the misuse of the absentee ballot</li> <li>—publish erroneous poll data that skews the public’s perception</li> <li>—support third-party mailers which give the impression that you have been endorsed by parties, people, politicians when you haven’t been.</li> </ul>
5. I shall not coerce election help or campaign contributions for myself or any other candidate from my employees.	<ul style="list-style-type: none"> <li>• respect</li> <li>• freedom</li> </ul>	<ul style="list-style-type: none"> <li>—promise future perks to groups who help organize and facilitate campaign appearances</li> </ul>
6. I shall immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf on my candidacy, or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any who violates any provision of this code or the laws governing elections	<ul style="list-style-type: none"> <li>• integrity</li> <li>• accountability</li> <li>• role modeling</li> </ul>	<ul style="list-style-type: none"> <li>—a third party group who supports you because of one issue on which you see eye to eye, distribute false information about your opponent. When asked about it by the press, you say “no comment.”</li> <li>—a supporter of yours organizes a “beer bus” to bring students to the polls; your name is featured prominently on the bus</li> </ul>
7. I shall defend and uphold the right of every qualified American voter to full and equal participation in the electoral process	<ul style="list-style-type: none"> <li>• participation</li> <li>• justice</li> </ul>	<ul style="list-style-type: none"> <li>—on the day before the election your staff plants a rumor that people in a certain neighborhood supporting your opponent have had their polling location changed leading to confusion and fewer votes.</li> </ul>
NOTES		
Prepared by Thomas Shanks and Barry Stenger, Markkula Center for Applied Ethics		



## **A COUNCIL OF TRUST PRINCIPLES, NORMS, STANDARDS AND BEST PRACTICES**

At a Special Meeting on “Managing Change” held on Monday, July 29, 2002, the Council discussed managing change brought about by the implementation of *The Code of Ethics and Values*. The Council’s goal was to draft a set of norms to guide those running for elected office. By the end of the session, the Council had described “running for office and living our values” as looking like:

### **1. Following These Guiding Principles**

- Look at the law and also at “the right thing to do.”
- Hold yourself and each other to the higher standard.
- Honor the common good. Represent community.
- Separate role as Council Member from role as candidate. Honor your role as a Council Member. Act as a member of the Council Team.
- Assume all are here for service of city.
- Think strategically. Educate.
- Communicate consistently that ethics is upfront in this campaign.

### **2. Using These Specific Norms and Standards**

- Don’t jump to conclusions.
- Avoid finger- pointing.
- Stick to the issues.
- Tell the truth. Don’t mislead.
- Rely on facts and interpret them as fairly as you can.
- Avoid impression of representing city, overstating our contributions.
- Don’t assume you know someone else’s motive. Attribute positive motive of service to community.
- Treat others with respect. Golden Rule (“Treat others as you would want to be treated.” Alternately: “What you do not wish done to yourself, do not do to others.”)
- Respect the process.
- Respect City resources.

### **3. Adopting These Best Practices:**

- Wait. Get Facts.
- Talk to each other. Go directly to the other person. Discuss.
- Arrive at ground-rules with your opponents beforehand, if at all possible.
- Communicate your ethics clearly ahead of time to your staff and workers.
- Make clear to all your supporters how you are running your campaign and what you will do if anyone distorts that or attacks an opponent in an unethical manner.
- Appoint and empower a staff conscience to help when time is short and stressed.
- Ask the ethics questions by habit: Use the decision-making tool, and especially ask: How does this decision advance the City’s values in best practice? What ethics reasons make this the right thing to do?
- Use ethics language to explain your decisions.
- Have something written stand “the test of time.”
- Maintain a sense of humor. Take the responsibility of the office seriously – don’t take yourself too seriously.
- Be able to look at yourself in the mirror at the end of the day...and set a high standard for what you want to see. The Council agreed that these practices would create behavior that they and others would trust, thus the “Council of Trust”.

Approved by Council August 20, 2004 (revised during April 27, 2004 Council Workshop)



# City of Santa Clara

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## Agenda Report

21-1332

Agenda Date: 1/25/2021

### REPORT TO BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

#### SUBJECT

Update on Governance Item/Revise BPAC Bylaws (Liw)

#### BACKGROUND

At the September 14, 2020 Governance and Ethics Committee meeting (Item 20-313), the Committee provided direction to staff to formalize the Bicycle and Pedestrian Advisory Committee (BPAC) and ensure that the BPAC is consistent with other boards, commissions, and committees (Commissions). In addition, in October 2019, member Kratz requested an annual work plan topic (Attachment 1) to discuss changes to the BPAC bylaws.

In response, staff prepared changes to amend the City Code and BPAC Policy guidelines. At the October 26, 2020 BPAC meeting, staff presented proposed changes to the City Code and BPAC Policy guidelines (Attachment 2) and BPAC members provided numerous comments. BPAC voted to table the item and form an adhoc subcommittee (Subcommittee) comprised of three BPAC members to review the proposed changes to the City Code and BPAC Policy guidelines and to draft changes and comments to present to staff and the full BPAC.

At the December 7, 2020 Governance and Ethics Committee meeting (Item 20-991, Attachment 3), staff provided an update to the Committee on formalizing the BPAC and requested deferral of the item based on the upcoming BPAC subcommittee review of the proposed changes to the City Code and BPAC Policy Guidelines. The Committee accepted staff's recommendation for deferral and directed staff to return to the Committee in March 2021 for further updates. At the December 10, 2020 BPAC meeting (Attachment 4), Subcommittee members provided individual reports to staff and the full BPAC. The Subcommittee stated they could not come to full agreement on all of their proposed changes or comments.

#### DISCUSSION

Staff reviewed and considered all of the BPAC comments from the October 26, 2020 and December 10, 2020 BPAC meetings and recommends further changes to formalize BPAC and ensure the BPAC is consistent with other Commissions. These changes include:

- City Code amendment with final changes (Attachment 5)
- BPAC Policy Guidelines amendment with final changes (Attachment 6)
- Compliance with Charter, Code, and Clerk rules for Commissions
  - Committee action must be supported by a majority (5 of 9)
  - Members must be qualified electors of the City, defined as a United States citizen, 18 years of age or older, and living within the city limits of Santa Clara. An appointee may not hold any paid office or employment in the City. The person does not need to be a registered voter.

- Members are limited to two consecutive terms
- Membership terms will expire in June instead of December
- Membership applications are to be administered by the City Clerk and applicants are to be interviewed and appointed by City Council

Below is a table summarizing the existing and proposed procedures for BPAC.

Item	Existing	Proposed	Other Commissions
Purpose	BPAC Policy guideline	City Code Chapter 2.120	City Code Chapter 2.120
Membership and meeting rules	BPAC Policy guideline	BPAC Policy guideline revised to reference City Charter Article X	City Charter Article X
Filling membership vacancies	BPAC Policy guideline	BPAC Policy guideline revised to reference City Clerk procedures	City Clerk procedures
New member application administration	Public Works	City Clerk	City Clerk
New member interviews and voting	BPAC	City Council	City Council
New member appointment	City Council	City Council	City Council

The City Code and Policy Guidelines amendments presented in this report are the final changes proposed. Staff recommends BPAC approve the changes and staff will present the recommendations to the Governance and Ethics Committee in March 2021.

### **RECOMMENDATION**

BPAC to recommend amendments to the City Code and BPAC Policy Guidelines for Governance and Ethics Committee approval.

Written by: Jonathan Yee, Transportation Manager, Public Works

Reviewed by: Carol Shariat, Principal Transportation Planner, Public Works

Approved by: Michael Liw, Assistant Director/City Engineer, Public Works

### **ATTACHMENTS**

1. Annual Work Plan Topic Request Form - BPAC Bylaws
2. October 26, 2020 BPAC Report on Governance
3. December 7, 2020 Governance and Ethics Committee Report on BPAC Governance
4. December 10, 2020 BPAC Subcommittee Report on Governance
5. Recommended City Code Amendment
6. Recommended BPAC Policy Guidelines Amendment

## 21-64 ATTACHMENT 4-RECOMMENDED CITY CODE AMENDMENT (CLEAN)

### Chapter 2.120 BOARDS, COMMISSIONS, AND COMMITTEES

#### Article I. Establishment, Powers and Duties Generally

##### **2.120.010 Names, membership, qualifications and terms of office.**

There shall be and there are established within the City the following boards, commissions, and committees:

- (a) Planning Commission. (SCCC [2.120.050](#))
- (b) Parks and Recreation Commission. (SCCC [2.120.060](#))
- (c) Civil Service Commission. (SCCC [2.120.070](#))
- (d) Board of Library Trustees. (SCCC [2.120.080](#))
- (e) Historical and Landmarks Commission. (SCCC [2.120.100](#))
- (f) Senior Advisory Commission. (SCCC [2.120.110](#))
- (g) Youth Commission. (SCCC [2.120.130](#))
- (h) Cultural Commission. (SCCC [2.120.140](#))
- (i) Bicycle and Pedestrian Advisory Committee. (SCCC [2.120.150](#))

All members of boards, commissions, and committees, except for members of the Youth Commission and the Bicycle and Pedestrian Advisory Committee, shall be qualified electors of the City and shall serve at the pleasure of the City Council. Members of the Bicycle and Pedestrian Advisory Committee shall be 18 years of age or older and must live or work in the City. (Ord. 947; Ord. 1088; Ord. 1241 § 3, 4-13-71; Ord. 1276 § 1, 6-26-73; Ord. 1625 § 1, 7-16-91; Ord. 1673 § 1, 6-20-95; Ord. 1809 § 1, 9-26-06; Ord. 1908 § 1, 7-16-13. Formerly § 2-90).

##### **2.120.020 Powers and duties generally.**

The boards, commissions, and committees 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).

### **2.120.030 Meetings.**

Each board, commission, or committee of the City with members thereon appointed by the City Council shall hold regular meetings at the times and on the days indicated by resolution of the City Council except when such day falls on a City holiday, and shall hold such special meetings as it may require. The times and days for holding regular meetings are subject to amendment from time to time by resolution of the City Council. A copy of the applicable resolution(s) is and will be available for public inspection in the office of the City Clerk. (Ord. 1298 § 2, 10-15-74; Ord. 1300 § 1, 11-12-74; Ord. 1569 § 1, 5-26-87. Formerly § 2-91.1).

### **2.120.040 Utilization of City personnel.**

The various boards, commissions, and committees 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).

### **2.120.150 Bicycle and Pedestrian Advisory Committee**

The Bicycle and Pedestrian Advisory Committee shall consist of nine members. Eight members shall not hold any paid office or employment in the City government and one member is a Council Member serving as Chair. The Bicycle and Pedestrian Advisory Committee shall have the following powers, functions, and duties:

(a) Act in an advisory capacity to Council on matters pertaining to modifying, expanding, and maintaining the City's public bicycle and pedestrian transportation systems.

(b) Recommend to Council on the priority of bicycle and pedestrian projects for which the City will seek funding under Article 3 of the Transportation Development Act, and other state, federal, and local funding programs.

(c) Review and advise Council on comprehensive bicycle and pedestrian master plans.

(d) Recommend complete streets features be incorporated into relevant transportation projects consistent with the City's Complete Streets policy.

(e) Support educational, encouragement, recreational, and cultural activities for bicyclists and pedestrians.

## 21-64 ATTACHMENT 5-RECOMMENDED CITY CODE AMENDMENT (TRACK CHANGES)

### Chapter 2.120 BOARDS, COMMISSIONS, AND COMMITTEES

#### Article I. Establishment, Powers and Duties Generally

##### **2.120.010 Names, membership, qualifications and terms of office.**

There shall be and there are established within the City the following boards, commissions, and committees:

- (a) Planning Commission. (SCCC [2.120.050](#))
- (b) Parks and Recreation Commission. (SCCC [2.120.060](#))
- (c) Civil Service Commission. (SCCC [2.120.070](#))
- (d) Board of Library Trustees. (SCCC [2.120.080](#))
- (e) Historical and Landmarks Commission. (SCCC [2.120.100](#))
- (f) Senior Advisory Commission. (SCCC [2.120.110](#))
- (g) Youth Commission. (SCCC [2.120.130](#))
- (h) Cultural Commission. (SCCC [2.120.140](#))
- (i) Bicycle and Pedestrian Advisory Committee. (SCCC [2.120.150](#))

All members of boards, commissions, and committees, except for members of the Youth Commission and the Bicycle and Pedestrian Advisory Committee, shall be qualified electors of the City and shall serve at the pleasure of the City Council. Members of the Bicycle and Pedestrian Advisory Committee shall be 18 years of age or older and must live or work in the City. (Ord. 947; Ord. 1088; Ord. 1241 § 3, 4-13-71; Ord. 1276 § 1, 6-26-73; Ord. 1625 § 1, 7-16-91; Ord. 1673 § 1, 6-20-95; Ord. 1809 § 1, 9-26-06; Ord. 1908 § 1, 7-16-13. Formerly § 2-90).

##### **2.120.020 Powers and duties generally.**

The boards, commissions, and committees 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).

### **2.120.030 Meetings.**

Each board, commission, or committee of the City with members thereon appointed by the City Council shall hold regular meetings at the times and on the days indicated by resolution of the City Council except when such day falls on a City holiday, and shall hold such special meetings as it may require. The times and days for holding regular meetings are subject to amendment from time to time by resolution of the City Council. A copy of the applicable resolution(s) is and will be available for public inspection in the office of the City Clerk. (Ord. 1298 § 2, 10-15-74; Ord. 1300 § 1, 11-12-74; Ord. 1569 § 1, 5-26-87. Formerly § 2-91.1).

### **2.120.040 Utilization of City personnel.**

The various boards, commissions, and committees 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).

### **2.120.150 Bicycle and Pedestrian Advisory Committee**

The Bicycle and Pedestrian Advisory Committee shall consist of nine members. Eight members shall not hold any paid office or employment in the City government and one member is a Council Member serving as Chair. The Bicycle and Pedestrian Advisory Committee shall have the following powers, functions, and duties:

(a) Act in an advisory capacity to Council on matters pertaining to modifying, expanding, and maintaining the City's public bicycle and pedestrian transportation systems.

(b) Recommend to Council on the priority of bicycle and pedestrian projects for which the City will seek funding under Article 3 of the Transportation Development Act, and other state, federal, and local funding programs.

(c) Review and advise Council on comprehensive bicycle and pedestrian master plans.

(d) Recommend complete streets features be incorporated into relevant transportation projects consistent with the City's Complete Streets policy.

(e) Support educational, encouragement, recreational, and cultural activities for bicyclists and pedestrians.

# **21-64 ATTACHMENT 6-RECOMMENDED BPAC POLICY GUIDELINES REVISIONS (CLEAN)**

## **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 March 25, 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 and responsibilities of the BPAC are established in Section 2.120.150 of the City Code. It is intended that the BPAC shall be an advisory committee to the City Council and 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 2. Membership**

The BPAC is comprised of nine (9) members, which consists of eight (8) regular members and one (1) Chairperson or alternate that is the Mayor or Councilperson designated by City Council. Representatives from Mission College, the Santa Clara Unified School District, and the Silicon Valley Bicycle Coalition are encouraged to be members.

Members must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.

Applications for BPAC membership shall be in a format determined by the City of Santa Clara City Clerk's Office.

Voting for BPAC membership shall be in accordance with the City of Santa Clara Voting Guidelines for the Appointment of Applicants to Boards and Commissions.

### **Section 3. Term of Office, Removal, and Vacancies**

The term of office and removal of members are described in Article X of the City Charter.

#### **Section 4. Meetings**

Meetings must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.

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

#### **Section 5. Assistance of Staff**

The BPAC may utilize City personnel as described in Section 2.120.040 of the City Code. 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 6. Amendments**

Amendments to the guidelines may be recommended 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 \_\_\_ day of \_\_\_\_\_:

PASSED AND ADOPTED by the Santa Clara City Council this \_\_\_ day of \_\_\_\_\_:

# **21-64 ATTACHMENT 7-RECOMMENDED BPAC POLICY GUIDELINES REVISIONS (TRACK CHANGES)**

## **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 March 25, 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 and responsibilities of the BPAC are established in Section 2.120.150 of the City Code. It is intended that the BPAC shall be an advisory committee to the City Council and 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 2. Membership**

The BPAC is comprised of nine (9) members, which consists of eight (8) regular members and one (1) Chairperson or alternate that is the Mayor or Councilperson designated by City Council. Representatives from Mission College, the Santa Clara Unified School District, and the Silicon Valley Bicycle Coalition are encouraged to be members.

Members must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.

Applications for BPAC membership shall be in a format determined by the City of Santa Clara City Clerk's Office.

Voting for BPAC membership shall be in accordance with the City of Santa Clara Voting Guidelines for the Appointment of Applicants to Boards and Commissions.

### **Section 3. Term of Office, Removal, and Vacancies**

The term of office and removal of members are described in Article X of the City Charter.

#### **Section 4. Meetings**

Meetings must meet requirements of Article X of the City Charter and Chapter 2.120 of the City Code.

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

#### **Section 5. Assistance of Staff**

The BPAC may utilize City personnel as described in Section 2.120.040 of the City Code. 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 6. Amendments**

Amendments to the guidelines may be recommended 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 \_\_\_ day of \_\_\_\_\_:

PASSED AND ADOPTED by the Santa Clara City Council this \_\_\_ day of \_\_\_\_\_: