



Agenda Report

22-1777

Agenda Date: 3/22/2022

REPORT TO COUNCIL

SUBJECT

Action to Waive First Reading and Introduce an Ordinance of the City of Santa Clara, California, Defining the Composition of the Membership of the Bicycle and Pedestrian Advisory Committee and the Scope of the Bicycle and Pedestrian Advisory Committee's Jurisdiction, Adding a New Section 2.120.170 ("Bicycle and Pedestrian Advisory Committee") and Amending Section 2.120.010 (Names, Membership, Qualifications, and Terms of Office") of Chapter 2.120 ("Boards and Commissions") of Title 2 ("Administration and Personnel") of the Santa Clara City Code and Adopt Changes to the Bicycle and Pedestrian Advisory Committee Policy Guidelines

COUNCIL PILLAR

Enhance Community Engagement and Transparency

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 public recreational and commuter bikeway and pedestrian walking system. The BPAC's goal is to encourage recreational and commuter bicycling and walking by promoting safe, convenient, well-designed facilities and by evaluating local bicycle and pedestrian related projects. The purpose, membership, and policies/procedures were established through City Council's past approval of the BPAC's Policy Guidelines, with the most recent version being adopted by City Council on March 25, 2014 (Attachment 1).

On September 14, 2020, the Governance and Ethics Committee (Committee) provided direction to staff to formalize policy guidelines for the BPAC. Although the City Council approved the formation of the BPAC and the BPAC Policy Guidelines, there is no City Code section specifically addressing it. The Committee requested that an ordinance be considered to amend the City Code to clearly set forth the composition of the membership and the scope of the BPAC's jurisdiction. The Committee directed staff to bring back a recommendation on formalizing the BPAC through a draft ordinance that reflected the input of both the BPAC and the Committee.

Over the course of the next six months, staff engaged the BPAC on multiple occasions to provide a framework for the proposed ordinance and solicit feedback from members. These engagements took place on October 26, 2020, December 10, 2020, and January 25, 2021. During these meetings the proposed changes to the City Code were refined and the BPAC policy guidelines were updated to align with all other City Boards, Commissions, and Committees. The BPAC also formed a special subcommittee to review the changes and provide further input and recommendations.

At the March 29, 2021 Governance and Ethics Committee meeting, the Committee did not vote on the draft City Code amendments or changes to the policy guidelines, but did vote on the following:

- Member Eligibility - BPAC members 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.
- Membership - BPAC to consist of seven members instead of nine and phase in this change so no current member loses their position during the current term.
- Applications and Appointments - Council to consider whether to continue having BPAC interview applicants, vote for applicants, and make recommendations to Council; or whether Council should interview applicants and make selections similar to other Boards and Commissions
- BPAC Chair - Council to consider whether to continue the practice of having a Councilmember Chair, or whether BPAC should elect their own Chair from the seven members.

At the meeting on December 14, 2021, the Council voted to approve the following:

- Modify BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City.
- Reduce the number of BPAC members from the current maximum of nine members to seven members and phase in this change so no current member loses their position during the current term.
- Modify how BPAC members are interviewed and appointed similar to other Boards and Commissions by having Council interview applicants and make selections.
- Remove the requirement that a Councilmember chair the BPAC and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council.
- Direct staff to bring an ordinance and revised BPAC Policy Guidelines formalizing the BPAC for Council consideration

DISCUSSION

Based on the December 14, 2021 Council direction staff is bringing forward the updates to the City Code (enacted by ordinance) and the BPAC Policy Guidelines to align with all other Boards, Commissions, and Committees. Table 1 below summarizes the existing and proposed BPAC procedures.

Table 1. Existing and Proposed BPAC Procedures

<i>Item</i>	<i>Existing BPAC Reference</i>	<i>Updated BPAC Reference</i>	<i>Other Boards Commissions, Committees</i>
Purpose and Membership	BPAC Policy Guidelines	City Code Chapter 2.120	City Code Chapter 2.120
Membership term and meeting rules	BPAC Policy Guidelines	City Charter and Policy Guidelines	City Charter and Policy Guidelines
Membership appointment	Public Works solicits applications, BPAC interviews applicants and recommends appointments to Council	City Clerk procedures and Council interviews and appoints applicants	City Clerk procedures and Council interviews and appoints applicants

The Ordinance (Attachment 2) amends City Code Chapter 2.120 Boards and Commissions and will establish the existence, purpose, and membership of the BPAC. Including the BPAC within the City Code will make it consistent with how other Boards, Commissions, and Committees have been established. The Ordinance will establish BPAC membership eligibility to require that applicants must be at least 18 years of age and live or work in the City as well as reduce the number of BPAC members from the current maximum of nine members to seven members.

The proposed Ordinance will establish changes over time to the BPAC structure with the ultimate goal of setting BPAC membership at 7 members and phasing out the Council Member position by July 1, 2025. Effective immediately, the Ordinance will establish BPAC's purpose and permit individuals 18 years of age or older who are either residents or employed in the City to serve. In addition, the Ordinance delineates how BPAC members will be appointed through 2025 such that only seven (7) members will be appointed.

For example: Three members appointed in December of 2019 shall have a term of office expiring on June 30, 2023 and such 3 members will be filled by the Council; two members appointed in December 2020 will have a term of office expiring on June 30, 2024 and such two members shall be filled by the Council; and the three members appointed in December 2021 will have a term of office expiring on June 30, 2025 and only two members will be filled by Council.

Effective July 1, 2025, the BPAC will transition into its final form of 7 members appointed by the City Council.

The changes to the BPAC Policy Guidelines (Attachment 3 and Attachment 4) will modify procedures to follow membership terms and meeting rules established within the City Charter, to follow the City Clerk's procedures to appoint members, and have Council interview applicants and make selections. The revised BPAC Policy Guidelines will also phase in the change from nine members to seven members so no current member loses their position during the current term, remove the requirement that a Councilmember chair the BPAC, and allow the BPAC to select its own chair in July 2025 once all members of the BPAC are comprised of those who were interviewed by Council.

In summary, the ordinance, and changes to the BPAC Policy Guidelines will formalize the BPAC and implement recommendations approved by Council at the December 14, 2021 meeting.

ENVIRONMENTAL REVIEW

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

FISCAL IMPACT

There is no fiscal impact with the adoption of this ordinance or changes to the policy guidelines.

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

RECOMMENDATION

1. Waive First Reading and Introduce an Ordinance of the City of Santa Clara, California, Defining the Composition of the Membership of the Bicycle and Pedestrian Advisory Committee and the Scope of the Bicycle and Pedestrian Advisory Committee's Jurisdiction, Adding a New Section 2.120.170 ("Bicycle and Pedestrian Advisory Committee") and Amending Section 2.120.010 (Names, Membership, Qualifications, and Terms of Office") of Chapter 2.120 ("Boards and Commissions") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California"; and
2. Adopt Changes to the Bicycle and Pedestrian Advisory Committee Policy Guidelines.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: City Manager's Office

ATTACHMENTS

1. Bicycle and Pedestrian Advisory Committee Policy Guidelines, adopted March 25, 2014
2. Ordinance
3. Changes to the Bicycle and Pedestrian Advisory Committee Policy Guidelines (with redlines)
4. Changes to the Bicycle and Pedestrian Advisory Committee Policy Guidelines (clean)