FINAL REPORT

City of Cupertino

ENTERPRISE LEADERSHIP ASSESSMENT

July 14, 2023

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I. EXECUTIVE SUMMARY

A. BACKGROUND, SCOPE, AND METHODOLOGY

The City of Cupertino (the City) is governed by a five-member City Council and managed by the City's executive leadership team. As part of Moss Adams LLP's (Moss Adams, we) role as the City's outsourced internal auditor, we developed this assessment to evaluate the effectiveness of the City's management and governance collaboration framework and provide recommendations to strengthen and streamline procedures to align with best practices for municipal leadership. As part of this work, we evaluated governance topics including:

- The Council's capacity to set the City's strategic direction and monitor financial sustainability
- Council meeting procedures and resources
- Working relationship and collaboration between Council members, City management, and staff
- Training and onboarding
- Committee and commission roles, core function, and support

This assessment was conducted between March 2023 and June 2023. Analysis was informed by interviews with the City's leadership and staff, and a review of data and documents provided by the City.

The goal of this report is to detail current conditions and provide constructive and forward-looking recommendations for how the City's leadership team can adjust operations to align with public sector best practices.

B. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations were grouped into three areas: City Council, Commissions and Committees, and City Staff. Observations and recommendations for both areas are summarized below and provided in Section III.

OBSERVATIONS AND RECOMMENDATIONS		
City Council		
1.	Observation	While the City has established many policies that are aligned with best practices, there are opportunities to increase the effectiveness of current policies.
	Recommendations	A. Continue current efforts to review, update, and expand the City's governance policies, including the Ethics Policy and Commission Handbook. B. Establish a process to ensure all governance policies are reviewed at least once every five years.

		OBSERVATIONS AND RECOMMENDATIONS
2.	**Observation**	With the adoption of the City Council Procedures Manual and other recent changes, the City has made positive progress toward increasing the effectiveness of City Council meetings. However, ongoing challenges remain to ensure that meetings are productive and timely.
	Recommendation	Continue current efforts to implement the City Council Procedures Manual and hold meeting participants accountable.
3.	**Observation**	There is a well-documented history of mistrust and poor communication between the Council and management.
	Recommendations	A. Continue current efforts to implement recommendations from the 2023 Internal Review, with a focus on expanding the use of 1:1 pre-meetings with Council members B. In alignment with Municipal Code guidelines, consider developing and implementing a set of practical criteria to determine when requests for information will require a significant allocation of staff time or otherwise exceed the code guidelines. C. Continue current efforts to clarify roles and responsibilities and build productive working relationships by providing regular governance trainings and retreats.
4.	**Observation**	The City Council onboarding and orientation process has recently been updated to increase its effectiveness. This process could be further strengthened by focusing additional attention on roles, responsibilities, and practical application of guidelines.
	Recommendation	Take steps to expand and strengthen the orientation process for new Council members.
5.	**Observation**	The City has established many best practice elements of a comprehensive ethics program. However, there are gaps in the City's compliance enforcement.
	Recommendation	Strengthen internal processes for tracking and holding elected and appointed individuals accountable to timely completion of Form 700 Disclosures.
6.	**Observation**	A core function of any governing body is to set and monitor the strategic direction of the organization. While the City Council has adopted a two-year Work Program to prioritize annual initiatives, it has not yet developed a long-range strategic plan.
	Recommendations	A. Consider developing a long-range strategic plan to increase the City's ability to strategically plan and advance initiatives. B. Continue current efforts to utilize and refine the annual Work Program prioritization practice. C. Consider expanding the City's reporting processes to more effectively track progress toward strategic goals over time.

		OBSERVATIONS AND RECOMMENDATIONS
7.	Observation	While the City has established some strong community engagement practices, interviewees noted that Council members may have an overreliance on anecdotal evidence and/or public comment that may not be representative of the wider community perspective.
	Recommendations	A. Consider setting clearer expectations for the intended scope of community engagement at the start of City initiatives. B. Continue current efforts to implement a statistically significant, representative community survey. C. Consider providing media and crisis communication training to all Council members.
	Commissions and Committees	
8.	Observation	The City utilizes multiple commissions and committees to support Council decision-making. There are opportunities to increase the effectiveness of some of these groups.
	Recommendations	A. Establish charters, including clear roles and responsibilities, for each commission and committee that outline the group's purpose and member roles and responsibilities. B. Review additional opportunities to streamline governance groups. **C.** Consider reviewing the names of governance groups to introduce a consistent naming convention for commission versus committee.
9.	Observation	The City has documented processes to select and appoint community members to governance groups. This process could be strengthened by adding relevant qualification criteria.
	Recommendation	Review and establish the qualification criteria for each commission and committee member to determine if the City would benefit from adjustments.
10.	Observation	Commission and committee operations—including onboarding, meeting procedures, work plans, and reporting—are not always consistent or effective.
	Recommendations	A. Continue efforts to expand and formalize onboarding and training expectations for both commissions and committees. B. Clarify the process and expectation for cancelling unnecessary meetings. **C.** Consider adopting the practice of requiring annual work plans for each commission and committee.
	City Staff	
11.	Observation	The staff time used to support governance groups represents a significant investment of City resources.
	Recommendations	A. Review the practice of requesting department directors attend commission and committee meetings. **B.** Provide training for staff liaisons annually and when a new individual takes on the liaison role.

OBSERVATIONS AND RECOMMENDATIONS		
12.	**Observation**	City staff continue to experience a high degree of organizational change and uncertainty. Within this context, it is critical for the City's management team to provide active communication and change management to increase support of staff.
	Recommendation	Identify and implement expanded communication and change management practices to improve workplace culture.

II. BACKGROUND, SCOPE, AND METHODOLOGY

A. BACKGROUND

In recent years, the City has experienced significant organizational change and uncertainty. In particular, there has been both a high turnover rate in key leadership positions within the City and ongoing turmoil in relation to the Council/staff relationship. Two highly publicized reports have documented related issues:

- The 2022 Santa Clara County Civil Grand Jury report *A House Divided: Cupertino City Council and City Staff* (referred to throughout this document as the 2022 Grand Jury report)

- The 2023 *Review of Outstanding Issues and Concerns Raised by the Findings and Recommendations of the 2022 Santa Clara Civil Grand Jury Report* (referred to in this document as the 2023 Internal Review)

Within this context, City leadership expressed interest in an assessment that could both detail current conditions and provide constructive and forward-looking recommendations for how the City's leadership team can adjust operations to align with public sector best practices.

Moss Adams serves as the outsourced internal auditor for the City, and reports to the City Council's Audit Committee. As part of the 2022–23 internal audit work plan, the Audit Committee approved this Enterprise Leadership Assessment.

B. SCOPE AND METHODOLOGY

The purpose of this assessment is to evaluate the effectiveness of the City's management and governance collaboration framework and provide recommendations to strengthen and streamline procedures to align with best practices for municipal leadership. As part of this work, we evaluated governance topics, including:

- Council's capacity to set the City's strategic direction and monitor financial sustainability

- Council meeting procedures and resources

- Working relationship and collaboration between Council members, City management, and staff

- Training and onboarding

- Committee and commission roles, core function, and support

Moss Adams conducted this engagement between March 2023 and June 2023. The project consisted of four major phases.

	PHASE	DESCRIPTION
1	**Start-Up and Management**	➤ Project initiation consisted of collaborative project planning with the City and project management, including developing our scope of work and final work plan.

	PHASE		DESCRIPTION
2	**Fact-Finding and Data Collection**	➤	The second phase included interviews, document review, and best practice research. We worked with City staff to obtain the most current information and insights.
			• *Interviews*: We conducted interviews with 23 members of City staff and City Council members.
			• *Document review*: We received documents including policies, procedures, planning documents, reports, and others.
			• *Best practice research*: Based on the opportunities for improvement identified, we conducted research to ascertain best practices within the public sector.
3	**Analysis**	➤	Based on the information gained during our fieldwork phase, we assessed the current conditions and identified opportunities for improvement. Leveraging best practice information and our own experience from working with similar entities, we developed practical recommendations.
4	**Reporting Results**	➤	We communicated the results of our analysis with observations and recommendations presented first in a draft report that was reviewed with management to confirm the practicality and relevance of recommendations before finalizing the report.

We would like to thank City leadership and staff for their willingness to assist in this assessment.

III. OBSERVATIONS AND RECOMMENDATIONS

Based on the input gathered from interviews, document review, focus groups, and comparisons to best practices, we prepared a comprehensive set of observations and recommendations.

A. CITY COUNCIL

Policies and Procedures

1.	Observation	While the City has established many policies that are aligned with best practices, there are opportunities to increase the effectiveness of current policies.
	Recommendation	A. Continue current efforts to review, update, and expand the City's governance policies, including the Ethics Policy and Commission Handbook. B. Establish a process to ensure all governance policies are reviewed at least once every five years.

Best Practice

In addition to regulations and codes, many city councils have adopted formal rules of procedure to govern the conduct of their meetings and/or provide guidelines for collaboration. The motivation in adopting rules is usually to increase the efficiency and effectiveness of meetings, improve communication, and manage conflict. The basic premise in adopting rules is to ensure that governance group interactions will run smoothly and follow a generally accepted format.

These types of city council policies often cover the following categories:

- Code of conduct, ethics, or group norms
- Council meeting processes and agenda development
- Council communications with staff
- Council communication with members of the public
- Use of technology
- Conflict of interest
- Committees and commissions-specific topics
  - Purpose and relationship to City Council
  - Selection and appointment
  - Meeting processes and agenda development
  - Planning and reporting

Current Conditions

The City has adopted several governance-related policies, including the primary documents detailed below.

City Council Procedures Manual

In February 2023, the City Council adopted Resolution 23-021 to establish the Cupertino City Council Procedures Manual. In alignment with best practice, the manual include guidelines for many processes, including communication, meeting management, decorum, and decision-making. The manual also incorporates references to the applicable sections of the Municipal Code to provide administrative guidelines to comply with relevant provisions. Interviewed staff generally noted that the Procedure Manual is a welcome improvement. However, the usefulness of this document is highly dependent on whether City Council adheres to the practices described within.

Ethics Policy

The City's current Ethics Policy applies to City Council, appointed officials, and City staff with the purpose of promoting public confidence in the integrity, effectiveness, and fairness of City operations. However, as noted in the 2022 Grand Jury report "the current Ethics Policy is less comprehensive [than previous versions] and ignores the subject of councilmanic interference found in the rescinded version. Thus, there are significantly fewer ethical requirements and standards for councilmembers."

The new City Council Procedures Manual strives to address this issue by stating that "City Council may enforce repeated or serious violations of the rules set forth in the Manual through a censure action placed on a Council agenda." At this time, the City Council is planning to consider revising the Ethics Policy in the first quarter of fiscal year 2024.

While the Ethics Policy references conflicts of interest, the City has not established a separate conflicts of interest policy.

Technology Use

The City adopted a Technology Use Policy in November 2018. The policy applies to City employees, elected officials, commissioners, contractors, consultants, temporary workers, interns, volunteers, and vendors using City technology resources. In alignment with best practice, the policy covers a range of topics, including cybersecurity, the California Public Records Act, confidentiality, prohibited use of technology, and violations. However, the policy has not been updated since 2018 and contains some outdated information (like a reference to pending litigation).

Commission Handbook

The City established a Commission Handbook in 2021 to provide guidance to the City's various commissions and committees. In alignment with best practice, the handbook builds off of the tenets laid out in the municipal code and covers a range of topics, including commissions' purpose and relationship to City Council, management, and staff, as well as commission membership, meeting processes and agenda development, and communications. However, this handbook has not been reviewed for alignment with the new City Council Procedures Manual and it is unclear whether it applies to committees.

At this time, the City Council is planning to consider revising the Commission Handbook in the first quarter of fiscal year 2024.

Policies and Guidelines on Sister Cities, Friendship Cities, and International Cupertino Delegations for the City Of Cupertino

The City has established a policy to help guide activities around Sister Cities, Friendship Cities, and international delegations. The document outlines travel and expense guidelines for Council members who are supporting these programs. However, the City has not yet developed a general travel and expense policy for Council members.

Recommendations

- Continue current efforts to update governance policies, including:
  - Reviewing the Ethics Policy to ensure it aligns with best practice.
  - Reviewing the Commission Handbook to ensure it is aligned with other City policies, including the City Council Procedures Manual and the Ethics Policy. As part of this work, it will be important to clarify whether this handbook is relevant to City committees.
  - Considering developing a standalone conflict of interest policy that applies to Council members.
  - Considering developing a general travel and expense policy that applies to Council members.
- Adopt a process to review and update governance-related policies at least once every five years.
- Continue efforts to implement the City Council Procedures Manual and hold participants accountable to the policies and procedures. See the Meeting Cadence and Processes section for more details.

Meeting Cadence and Processes

2.	Observation	With the adoption of the City Council Procedures Manual and other recent changes, the City has made positive progress toward increasing the effectiveness of City Council meetings. However, ongoing challenges remain to ensure that meetings are productive and timely.
	Recommendation	Continue current efforts to implement the City Council Procedures Manual and hold meeting participants accountable.

Best Practice

City council meetings play a crucial role in local governance, where elected officials convene to make decisions, address community concerns, and shape the future of their cities. Establishing best practices for meeting cadence and processes is essential to ensure efficiency, transparency, and effective decision-making. By following best practices, city councils can foster an environment that allows for informed discussions and ultimately leads to better outcomes for their communities:[1,2]

In general, best practices for effective public meetings include:

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[1] Planning and Leading Effective Meetings, NLM
[2] Guide to Good Meetings, ICMA

- *Established Procedures*: The city should set clear procedures for meeting structure, agenda, decision-making, conflict resolution, and use of a consent agenda.

- *Reasonable Cadence and Length*: Meetings should be held as frequently as needed to accomplish critical work. Research indicates that shorter meetings are generally better meetings, as it becomes more difficult to maintain focus over time.

- *Effective Meeting Facilitation*: Meetings should be led by skilled facilitator, such as the mayor or chair, to manage discussions, maintain decorum, and ensure efficient use of time. Encourage respectful and constructive dialogue among council members and establish clear rules and protocols for productive meetings.

- *Preparation and Pre-Meeting Communication*: Meeting participants (e.g. council, commission, or committee members) should be provided with sufficient time to review meeting materials in advance. Distribute agendas, reports, and supporting documents to allow for thorough preparation, informed discussions, and informed decision-making. Within the public sector space, 1:1 preparation meetings with management are frequently used to provide elected officials with time to ask questions and understand issues before a public meeting is held.

- *Engaged Participants*: Meeting participants should be able to actively engage with the meeting content and respond to feedback. They should employ professionalism and follow any codes of conduct or group norms.

- *Technology and Accessibility*: Technology should be leveraged to enhance meeting accessibility and public engagement. Explore options for live streaming, video conferencing, or online comment submission to enable broader community engagement, especially for those unable to attend in person.

Current Conditions

In alignment with best practice for establishing procedures, the City recently adopted the City Council Procedures Manual. The manual documents processes for key items like decision-making, agenda development, decorum, communication with staff, and use of a consent calendar.

Despite the implementation of the manual, interviewed staff reported that meeting efficiency and effectiveness remains a high area of concern. Staff note that time limits are not always enforced, there is little group consensus about discussion priorities (so items with relatively minimal impact may take up significant discussion time), and items are routinely removed from the consent agenda for additional discussion.

Within this context, staff noted that agenda items were frequently bumped to the next meeting. As a result, staff reported the common experience of sitting through hours of a meeting and not being able to present their agenda item—which is both a waste of staff resources and a challenge to employee morale. To help combat this issue, the new City Council Procedures Manual has established time limits for discussion items and questions. Interviewed staff noted that this was a step in the right direction, but ongoing challenges remain.

In terms of the frequency and length of meetings, the number of City Council meetings has been high in recent years, with 63 meetings held in 2021 and 64 in 2022. Council meetings have also historically extended into late hours. Between 2020 and 2022, the average length of Council meetings was over five hours (5.1 hours in 2020, 5.7 hours in 2021, and 5.2 hours in 2022). Given that meetings start at 6:45 pm, this means that participants were routinely in meetings that ran past midnight. Long meeting lengths impact the productivity, wellness, and safety of the Council members, staff, and community participants.

The City Attorney and the Mayor play significant roles in ensuring that the meeting agenda is adhered to and that Council conversation does not stray off topic or relitigate decisions that have already been made. Interviewees noted appreciation for the City Attorney's and Mayor's efforts in this area.

In alignment with best practice and regulations, the City provides agenda materials at least six days before standard Council meetings. Council members have the opportunity to ask questions through email between the time the agenda is posted and when the meeting is held. Staff responds to these questions by way of an addendum or desk item to the staff report. In addition, the City management team has expanded the practice of offering 1:1 preparation meetings to City Council members. While individual City Council members must voluntarily opt into these meetings (and Council members do not always choose to do so), staff and some members of Council report that these meetings are effective in terms of increasing communication and collaboration.

In alignment with best practice, the City provides live broadcast and on demand coverage of city meetings. In addition, members of the public may provide comments in-person, online, or via telephone.

Recommendations

- Continue current efforts to implement the City Council Procedures Manual and hold participants accountable to the policies and procedures. This will require ongoing and concerted effort on the part of the Mayor, members of City Council, City Attorney's Office, City Clerk, and City Manager's Office. In particular, City staff should continue to provide the Mayor with active support to ensure the Mayor is well positioned to keep meetings on track.

- Continue current efforts to provide 1:1 pre-meetings between individual Council members and management for upcoming council agenda items. See the Collaboration and Relationships section for more details.

Collaboration and Relationships

3.	Observation	There is a well-documented history of mistrust and poor communication between the Council and management.
	Recommendation	A. Continue current efforts to implement recommendations from the 2023 Internal Review, with a focus on expanding the use of 1:1 pre-meetings with Council members
		B. In alignment with Municipal Code guidelines, consider developing and implementing a set of practical criteria to determine when requests for information will require a significant allocation of staff time or otherwise exceed the code guidelines.
		C. Continue current efforts to clarify roles and responsibilities and build productive working relationships by providing regular governance trainings and retreats.

Best Practice

City council collaboration, productive group dynamics, and trust in management are vital aspects of effective local governance. The following are characteristics that are commonly found in high-function governance teams: [3,4]

- *Defined Roles and Responsibilities:* Clearly defined roles help council members and staff avoid confusion, ensure accountability, and enables efficient collaboration. For cities like Cupertino that have chosen to operate under the Council-Manager form of government, operational responsibilities are delegated to the City Manager from City Council, while City Council is responsible to guide the strategic direction of the organization by setting policy, providing oversight, and supporting City staff. [5]

- *Mutual Respect:* Mutual respect and professionalism are baseline requirements for healthy working relationships. This behavior is characterized by open communication, active listening, adherence to codes of conduct or group norms, respect for roles, appreciation for diverse viewpoints, active preparation, and commitment to working in collaboration to move the organization toward its goals.

- *Clear Communication:* Focused, concise, and direct communication can provide a strong foundation for building trusting and productive relationships.

- *Collaboration with Staff:* Productive relationships between council and staff often begin with respecting roles, recognizing individual expertise, and showing support for city employees.

Current Conditions

As reported by staff and Council members, and documented in both the 2022 Grand Jury report and the City's subsequent 2023 Internal Review, there are varying opinions within City Council about the ultimate role that Council members are meant to play. For example, it is apparent that some Council members perceive the oversight role to encompass highly operational work, like conducting independent research or analysis. This type of behavior both causes tension with staff as it is a clear signal that their expertise and work is not trusted; it is also a poor use of time and ultimately a distraction from the more critical work of the Council. While oversight is a critical component of good governance, it must be predicated on a baseline trust that the City Manager has hired competent and qualified staff to perform operational functions.

In alignment with best practice, City management does provide training related to roles and responsibilities to help onboard new members of City Council. See the City Council Onboarding and Training section for more details.

In regard to mutual respect, there is a well-documented history of mistrust and conflict between Council and management. While interviewed staff report some positive progress in recent months, there are still regular challenges in terms of professionalism, respect, and positive intent. There is a strong need to rebuild trust within the Council and between the Council and management.

In terms of communication, one of the most frequently cited ongoing challenges is related to email requests from Council members. As documented in the 2023 Internal Review and reported by interviewed staff, several Council members have continued the practice of sending a high volume of

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[3] Building the Best Relationship with Your Council, ICMA
[4] Strategies for creating a more collaborative, effective council, Western City.
[5] Making it Work: The Essentials of Council-Manager Relations, ICMA

emails, averaging 50-70 initial emails per week, not counting any follow-up emails. This practice is ineffective for communication purposes, creates significant workload for staff, and is widely perceived to be an obstruction tactic. Council members at times request responses to questions posed by the public as if they were the Council members' own. This pass-through of information requests without vetting creates work efforts where it may not be effective or even considered in the decision-making process.

The City's Municipal Code provision § 2.17.043 clarifies that the City Manager may determine when individual council member requests are overly onerous (and thus should be directed to staff through a collective instruction from the entire City Council). The code states that the following guidelines should be considered when making this judgement:

A. Is the request specific and limited in scope so that staff can respond without altering other priorities and with only minimal delay to other assignments?

B. Is the request a "one time" work requirement, as opposed to an on-going work requirement?

C. Does the response to a request require a significant allocation of staff resources (generally defined as consisting of more than one staff person, or a single staff person working on the request in excess of two hours)?

However, staff report that it has been challenging to exercise these guidelines in a practical, consistent, and productive way.

Several interviewed staff noted that it has been extremely challenging to accomplish operational work given the number of staff hours required to respond to these requests, in addition to preparing staff reports and materials for regular Council meetings. As noted in the Meeting Cadence and Processes section, the City management team has expanded the practice of offering 1:1 preparation meetings to City Council members as an option for more efficient and direct communication.

In alignment with best practice, the City has implemented City Council retreats as an opportunity for ongoing relationship building and professional development.

Recommendations

- Moss Adams concurs with the recommendations to improve collaboration made within the 2023 Internal Review. In particular, the City and individual councilmembers should continue efforts to utilize the 1:1 meetings as a more efficient means of sharing information.

- In alignment with the City's Municipal Code provision § 2.17.043, the City Manager should consider developing a set of practical criteria to determine when individual Council member requests for information exceeds standard guidelines as outlined in the code. Ideally, this type of criteria could provide a consistent, objective, and efficient means to evaluate incoming requests.

- Continue current efforts to clarify roles and responsibilities and build productive working relationships by providing regular governance trainings, retreats, and strategic planning work sessions.

City Council Onboarding and Training

4.	Observation	The City Council onboarding and orientation process has recently been updated to increase its effectiveness. This process could be further strengthened by focusing additional attention on roles, responsibilities, and practical application of guidelines.
	Recommendation	Take steps to expand and strengthen the orientation process for new Council members.

Best Practice

Onboarding, orientation, and training for new city council members are critical to their successful integration into their roles and the effective functioning of the council as a whole. By implementing a robust onboarding and training program, cities can equip new council members with the knowledge, skills, and resources needed to navigate their roles effectively. This contributes to a cohesive council, enhances decision-making, and strengthens the council's ability to serve the community.[6]

Comprehensive onboarding support typically involved the following components:

- *Orientation Program:* The organizations should develop a comprehensive orientation program to familiarize new council members with their roles, responsibilities, and the governance structure. The program should address:
  - Overview of the council's purpose, functions, codes, and legal obligations
  - Insights into the local community's history, demographics, priorities, and challenges
  - Definition of roles and responsibilities of council members, including their specific duties, expectations, areas of focus, and understanding of how their role contributes to the overall work of the group
- *Ethics, Policies, and Procedures Training:* The organization should offer training on key policies and procedures that govern council operations. Guidance should be provided on meeting protocols, code of conduct, ethical standards, and conflict of interest guidelines. The organization should ensure that new council members understand their legal obligations, including compliance with relevant legislation and regulations.
- *Financial and Budgetary Training:* The organization should provide training on municipal budget processes, financial management, and fiscal responsibilities, and help council members understand the budgetary constraints, revenue sources, and expenditure allocation. The training should also familiarize them with financial reports, audits, and accountability mechanisms to ensure effective stewardship of public funds.
- *Support from Staff or Liaisons:* The onboarding process should be provided in collaboration with staff members or designated liaisons who can provide guidance and support to new council members. Ensure that staff are available to address questions, provide administrative assistance, and facilitate access to necessary resources or expertise.
- *Continuous Learning and Professional Development:* Ongoing learning opportunities for council members should be provided to enhance their skills and knowledge in governance, leadership,

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[6] Making it Work: The Essentials of Council-Manager Relations, ICMA

and effective decision-making. Encourage participation in workshops, conferences, and training programs that promote professional growth.

Current Conditions

In alignment with best practice, the City has established a two-day orientation program coordinated by the City Clerk's Office. The program consists of several intensive sessions that cover topics including the Council's core functions, roles and responsibilities, regulatory requirements (like Brown Act rules), meeting procedures, and a deep dive with department heads presenting on the purpose and mission of their respective departments. This work is collaboratively supported by the City Manager's Office, City Attorney's Office, City Clerk's Office, and the department directors.

Interviewees noted several opportunities to continue to improve the onboarding process, including:

- Spacing out information so that new members are not fatigued by information overload over the course of a few days
- Providing refresher trainings throughout the year
- Providing peer-to-peer learning opportunities where new members can receive input and guidance from more veteran members
- Increasing practical examples and scenarios to help increase the practical applicability of the trainings
- Requesting full participation of all Council members (this year one member of council chose not to participate in the orientation)

In alignment with best practice, the City does offer opportunities for Council members to engage in ongoing professional development opportunities on an ad hoc basis.

Recommendations

- Continue to expand and strengthen the orientation process for new Council members. In particular, the City may benefit from extending the onboarding timeline, providing refresher trainings throughout the year, and adding scenario exercises to increase the practical applicability of trainings.

Ethics and Compliance

5.	Observation	The City has established many best practice elements of a comprehensive ethics program. However, there are gaps in the City's compliance enforcement.
	Recommendation	Strengthen internal processes for tracking and holding elected and appointed individuals accountable to timely completion of Form 700 Disclosures.

Best Practice

The role of elected officials—and government as a whole—is to serve the public interest. When government representatives act ethically and avoid engaging in behavior that promotes any private

interests, they are acting for the common good. To foster an ethical operating environment, it is common for cities to establish the following components:

- A Fraud, Waste, and Abuse Program, including an ethics hotline where members of the public and the city government can report issues for investigation
- Disclosure of potential conflicts of interest (primarily accomplished via Form 700 within the state of California)
- Trainings and expert advice on government ethics (including topics like the Brown Act)
- Processes to track and report on compliance with standard disclosures and regulations
- Commitment from leadership to hold all parties accountable, including Council, Committee, and Commission members
- An ethics policy that applies to all elected and appointed officials, as well as staff

Current Conditions

In alignment with best practice, the City has implemented the following:

- A formal Fraud, Waste, and Abuse Program and related ethics hotline was implemented in 2022.
- The City provides required ethics and anti-harassment training for Council, Committee, and Commission members as required by state law, and the City Attorney provides expert counsel as needed. In addition, Council members are given the opportunity to participate in ethics education at League of Cities conferences.
- The City Clerk's Office and City Attorney's Office provide guidance to elected and appointed officials in filling out the Form 700 Disclosures and complying with other regulations.

Several interviewed staff reported that at least one Commission member had not filed their Form 700 Disclosure. While the City Clerk's office has been aware of this issue for over a year and made efforts to correct the issue, it has not yet been resolved. This indicates that there are gaps in the current process to hold participants accountable for compliance in this area.

Recommendations

- Strengthen internal processes for tracking and holding elected and appointed individuals accountable to timely completion of Form 700 Disclosures and any other required documentation. If governance group members have not completed this form in a timely manner, they should face disciplinary action up to and including removal from their position.
- See the Policies and Procedures section for more details on the City's Ethics Policy.

Strategic Direction

6.	Observation	A core function of any governing body is to set and monitor the strategic direction of the organization. While the City Council has adopted a two-year Work Program to prioritize annual initiatives, it has not yet developed a long-range strategic plan.
	Recommendation	A. Consider developing a long-range strategic plan to increase the City's ability to strategically plan and advance initiatives.
		B. Continue current efforts to utilize and refine the annual Work Program prioritization practice.
		C. Consider expanding the City's reporting processes to more effectively track progress toward strategic goals over time.

Best Practice

A core function of any governing body is to set and monitor the strategic direction of the organization. Within this context, it is best practice for City leadership to develop a multi-year strategic plan and then select key priorities via a collaborative process between Council and management on an annual basis.[7,8] By grounding work in the long-term vision for the community and core mission of City government, the City Council can ensure that resources are strategically allocated to support long-term success. In addition, strategic plans can help provide consistency of vision and direction—even as members of the Council or the management team exit the organization.

Typically, strong strategic plans are characterized by:

- *Long-Term Vision:* The organization should have a clear vision statement that captures the long-term aspirations for the community. Strategic plans also typically incorporate mission and value statements.

- *Policy-Level Guidance from Council:* The governing body should be actively involved in shaping the plan by setting high-level policy guidance and broad goals. Within this setting, the management team should be responsible for determining and implementing the best means to achieve these objectives.

- *Public Input:* The City serves the community, so planning activities should take the community's needs into consideration. Seeking community input during the planning process is critical.

- *Annual Prioritization:* All organizations have resource constraints. As such, realistic plans should prioritize activities in a clear order to help guide resource allocation. An annual review of goals and a process to prioritize work for the upcoming fiscal year ensures that work is guided by long-term strategies and responsive to emergent needs.

- *Link to Financial Data:* Planning should be linked a long-range financial plan that forecasts revenue, identifies unfunded liabilities, determines long-term debt capacity, analyzes external economic environment, and determines the long-term impacts of priorities and goals.[9]

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[7] GFAO Strategic Planning
[8] Strategic Planning Revisited, ICMA.
[9] GFAO Planning Resource Center

- *Equity Considerations:* Equity should be incorporated into every step of the strategic planning process to ensure that all members of the community are represented and have a voice in the process.
- *Outcome-Based Key Performance Indicators:* Strong plans include key performance indicators (KPIs) and metrics to measure progress and success. Ideally, KPIs are primarily focused on the ultimate outcomes the organization is hoping to achieve, rather than output measures of activities. With this type of tool, leadership can regularly monitor and evaluate the city's performance to track the achievement of strategic goals.

Current Conditions

The City does not currently utilize an organization-wide, long-range strategic plan that lays out a vision for the City and guides priorities, projects, and resource allocation. This is in part due to high turnover in the City Manager's Office, which has limited organizational capacity to perform long-term strategic work. However, the City has adopted many related planning elements:

- *Strategic Goals:* In February 2020, the City Council established a number of strategic goals to provide a framework for City priorities and guide annual development of the Work Program—including Public Engagement and Transparency, Transportation, Housing, Sustainability, and Quality of Life.
- *Annual Work Program:* The City has established an annual Work Program process that identifies and selects priority projects and initiatives that fall outside the City's regular operations for execution within the following year.
  - The Work Program document includes information about the project title, objective, estimated budget, allocated budget, and related department, commission, goal category, and General Plan Guiding Principles.
  - In the past, the Work Program has expanded to include a high number of unprioritized items. To combat this issue, City management established a new facilitated prioritization process in 2023. This step is a significant improvement in terms of alignment with best practice.
- *Other Guiding Plans:* In addition to the Work Program, the City has many individual plans for work that line up with many of the best practice criteria above. Examples include the General Plan, Capital Improvement Program, and Climate Action Plan.
- *Financial Forecast:* In alignment with best practice, the City has developed a 10-year financial forecast to address various expenditure and revenue components and assumptions.
- *Progress Reporting:* In alignment with best practice, the City has developed a dashboard to transparently communicate progress toward completing the City's Work Program projects. This is commendable. In addition, the City reports on department-specific KPIs as part of the budget process.

Based on staff interviews, staff reports, and a review of documentation there are several interconnected challenges or areas of misalignment with best practice in relation to the City's planning environment:

- Given the lack of a long-range strategic planning framework, some staff noted that Work Program items and Council priorities are not always clearly linked with the City's big-picture goals. In addition, many interviewees were not aware of the City's 2020 strategic goals. This may indicate that this framework is not providing sufficient specificity and/or is not being widely utilized to guide decision-making.

- City Council has a tendency toward more tactical and operational initiatives, rather than staying at the policy level to align the City with its vision. Ideally, the Council should be setting high-level goals and objectives and the management team should be responsible for determining the best means to accomplish the end.

- The City's Work Program has sometimes created new ongoing programs without sufficient or identified resources to support them. This results in staff taking on additional workload without appropriate support. This indicates that planning activities are not sufficiently tied to resource allocation decisions.

- The Work Program does not explicitly incorporate equity considerations. This indicates that there may be blind spots in relation to the City's understanding and approach to solving issues.

- While public input has historically been actively solicited as part of the Work Program process, this step was forgone this year in order to tackle the backlog of critical work and make progress. This is reasonable given the circumstances, but the City should reintroduce public input in the future.

- While the City reports on progress toward Work Program activities and includes KPIs in its budget, the organization has not yet established outcome-based performance measures to track progress toward high-level goals. As a result, progress reporting is often reliant on measures of activities or outputs—rather than focusing on the long-term outcomes that the City is hoping to create.

Recommendations

- Consider developing a long-range strategic plan—that builds upon the City's current goals and vision—to increase the City's ability to plan and advance initiatives.

- Continue to utilize and refine the annual prioritization practice, with a focus on determining what is achievable considering the City's staffing and funding resources within a given fiscal year.

- Implement the practice of reviewing progress toward strategic goals on a quarterly or semi-annual basis. As part of this work, the City should identify outcome-based performance measure to track and report on progress. In addition, the expanded use of performance dashboards, indicators, and other standardized reporting tools would strengthen the City Council's ability to provide appropriate oversight and track progress over time.

Community Engagement

7.	Observation	While the City has established some strong community engagement practices, interviewees noted that Council members may have an overreliance on anecdotal evidence and/or public comment that may not be representative of the wider community perspective.
	Recommendation	A. Consider setting clearer expectations for the intended scope of community engagement at the start of City initiatives. B. Continue current efforts to implement a statistically significant, representative community survey. C. Consider providing media and crisis communication training to all Council members.

Best Practice

Community engagement is an essential component of a well-run local government. By utilizing community input, local governments can improve decision-making, ensure transparency, foster community participation, and build trust with community members.[10],[11] Successful community engagement programs are multi-pronged, and often include a combination of the following practices:

- Public meeting and hearings (often required by regulation)
- Focus groups or work sessions
- Social media, web pages, or mobile applications
- Email, newsletters, text, or other digital communication
- Advisory boards, committees, or commissions
- Volunteer programs
- Representative community surveys[12],[13]
- Collaboration with representative community partners

For crisis situations, it is best practice to have a dedicated point of contact for communication with the public. In addition, many cities provide media training to council members to ensure they are well-prepared to engage as needed.

Current Conditions

In alignment with best practice, the City has invested in a centralized communication team that is responsible for managing various communication channels, including social media and media outlets. The City has also established some creative programs to engage with residents, such as the Cupertino Block Leader Program which was developed as a collaborative way to work with residents

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[10] Community Engagement and Public Strategy, ICMA
[11] Building an Effective Community Engagement Strategy, ICMA
[12] ICMA, The Voice of the Public
[13] Bloomberg Cities, Five Secrets of Successful Community Surveys

to enhance community preparedness, communication, and resilience at the neighborhood level. The City also regularly solicits input from the community regarding specific projects. For example, for significant policy initiatives such as updating the building code, the City actively seeks public feedback through surveys, focus groups, and other methods.

However, the City has not established a standardized approach to what constitutes comprehensive or sufficient community input for a given initiative. As a result, staff report that at times City Council has repeatedly requested additional avenues for community feedback, which has heightened workloads.

In alignment with regulations, the City provides space for public comment at regular City Council meetings and other venues. Interviewed staff and some Council members report that comments made by community members at public meetings are sometimes interpreted to be representative of the views of all stakeholders and to be factual without substantive validation. Within this context, community members with the means, ability, access, and interest in participating in public comment may receive oversized responses to their issues.

In recent years, the City has not utilized a representative community survey to gather wholistic information about community perception of City services. However, a survey of this type is budgeted and planned for the 2024 fiscal year. By returning to this practice, the City can help provide context for individual public input and help ground decision-making in majority interests, rather than relying on individual feedback provided via the public comment process. Ideally, the City will continue to administer community surveys on an annual basis and ask similar questions each year. In this way, City leadership will both establish a baseline and receive comprehensive insight into trends.

In terms of crisis communication, City policy dictates that the Mayor is the designated spokesperson for the Council. However, Council members have not been provided with media training and some staff report that there have been instances of Council members sharing comments with the media without notifying City staff.

Recommendations

- Consider implementing processes to set clearer expectations for the scope of community engagement at the start of major City initiatives. This may take the form of staff establishing baseline definitions for appropriate levels of community engagement for different types of projects or proactively documenting the intended outreach plan associated with major projects.

- Continue current efforts to implement a statistically significant, representative community survey to gather baseline information about resident's needs, interests, and perception of City services.

- Consider providing media and crisis communication training to all Council members. As part of this training, it would be beneficial to clarify individual roles and responsibilities, including those of the Mayor and Vice Mayor.

B. COMMISSIONS AND COMMITTEES

Commission and Committee Structure

8.	Observation	The City utilizes multiple commissions and committees to support Council decision-making. There are opportunities to increase the effectiveness of some of these groups.
	Recommendation	A. Establish charters, including clear roles and responsibilities, for each commission and committee that outline the group's purpose and member roles and responsibilities. B. Review additional opportunities to streamline governance groups. C. Consider reviewing the names of governance groups to introduce a consistent naming convention for commission versus committee.

Best Practice

Commissions and committees play an important role in local government by acting in an advisory capacity, providing in-depth analyses, and making recommendations to inform city council decision-making.[14] These types of governance groups are an effective way of involving citizens in the engagement process of local government.

In terms of committee and commission structure, the following are best practices for effective use of these types of groups:

- Each group should have a clearly defined purpose, scope of authority (including whether groups are meant to be advisory, regulatory, or operational), responsibilities, and legal obligations. This information is typically defined within municipal code and/or via charters or other formal documents.

- Leadership should regularly evaluate the existing governance group structure and ability to adjust it based on the organization or community's changing governance needs.

- While there is no established standard for the ideal number of governance groups, leadership groups should consider the following factors when deciding to add, eliminate, or combine groups:
  - Is this group fulfilling a high-priority need for our community?
  - Is this group fulfilling a distinct purpose for our community or could additional scope and/or responsibilities be added to a current group?
  - Do we have sufficient staff to effectively support this group?

Governance groups are sometimes called boards, commissions, committees, or councils depending on their function. Frequently, the term "commission" is used to indicate a group that has powers and duties established by ordinance and have either regulatory or functional responsibilities. The term "committee" is frequently used to denote a group that is advisory in nature. However, the terminology used is often a matter of local preference.[15]

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[14] Local Government Citizen Advisory Boards, MRSC
[15] Maryland Municipal League: Citizen Boards, Commissions and Committees

Current Conditions

The City has established various committees and commissions to address specific areas of focus. There are ten commissions tasked with advising the City Council in the formation of policy. With the exception of the Planning Commission, all other commissions function in a strictly advisory role to the City Council, as is appropriate and consistent with best practices. Commissions include:

- Arts and Culture Commission
- Bicycle Pedestrian Commission
- Housing Commission
- Library Commission
- Parks and Recreation Commission
- Planning Commission
- Public Safety Commission
- Sustainability Commission
- Technology, Information, and Communications Commission
- Teen Commission

The City also has three committees and a council. Generally, one or two Council members are assigned as members, and the committees may include members from the public or staff. With the exception of the Administrative Hearing Committee (which conducts administrative hearings), the purpose of the committees is to review specific topics affecting the City and make recommendations to the City Council.

- Administrative Hearing Committee
- Audit Committee
- Disaster Council
- Sister City Committee

The City Council also occasionally creates topic-specific, time-delimited subcommittees (which are usually led by two Council members) to address a particular concern.

In alignment with best practice, the City reviewed the purpose and number of governance groups in early 2023. Based on staff recommendations, the City Council consolidated or eliminated several groups to reduce the overall number of governance groups from 17 to 13 (per City Council Ordinance No. 23-2247). A recent staff report determined that cities in Santa Clara County on average support 12 commissions and committees, not including any active council subcommittees. As such, the City is now significantly closer to the local average.

In terms of the core function of the City's governance groups, almost all groups (regardless of whether they are named "commission" or "committee") are advisory bodies. With the exception of the Administrative Hearing Committee, the foundational duties of all other governance groups are codified in the City's Municipal Code. However, the City has not yet established the process of developing individual charters to outline the group's purpose and member roles and responsibilities.

Staff report that there have been ongoing challenges ensuring that all governance group members understand the scope of their authority. It was frequently reported that certain group members believe they have the authority to direct staff on administrative matters or assign work tasks. This is a breach of the group's actual authority, and can create tension when staff members are put in a position to deny or redirect the work requests.

In addition, interviewees noted that several groups often do not have significant volumes of work, which can create challenges to keeping members productively engaged. The following groups were noted:

- Public Safety Commission
- Sustainability Commission
- Teen Commission

Recommendations

- Establish charters for each commission and committee that outline the group's purpose and member roles and responsibilities in more detail than is currently provided in the Municipal Code. In particular, it will be critical to outline what the advisory function fully entails and clarify that commissions and committees cannot direct staff work or assign tasks.
- Review additional opportunities to streamline governance groups. In particular, the City should evaluate the following:
  - *Housing Commission*: It is common for Housing Commissions to be combined with Planning Commissions, given the highly interrelated areas of work.[16]
  - *Library Commission*: The local library system is administered by the Santa Clara Library District, rather than the City. Within this structure, it is questionable whether a Library Commission supports a core function of the City. To provide input on time-specific topics like the location of a new library within the City, it may be more effective to utilize an ad hoc committee or work group.
  - *Public Safety Commission*: Consider reviewing the core function of the Public Safety Commission. While fire and police services are provided by the County (and therefore not directly managed by the City), this commission also advises on issues related to traffic and general public safety.
  - *Teen and Sustainability Commissions*: Consider reviewing the Teen Commission and Sustainability Commission to determine if this work may be better carried out through alternative structures and/or whether fewer annual meetings may be appropriate.
- Consider reviewing the names of governance groups to introduce a consistent naming convention for commission versus committee. Given that the majority of the groups are advisory in nature, it may be beneficial to rename the commissions to "committees." The Planning Commission would be the primary exception to this, as the group's core function is not solely advisory.

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[16] Housing Data: Housing Committees

Commission and Committee Member Selection

9.	Observation	The City has documented processes to select and appoint community members to governance groups. This process could be strengthened by adding relevant qualification criteria.
	Recommendation	Review and establish the qualification criteria for each commission and committee member to determine if the City would benefit from adjustments.

Best Practice

When appointing community members to governance groups, it is best practice to document guidelines for position recruitment, evaluation, and selection.[17,18] Documents typically address the following:

- *Appointment Process:* The organization should establish a transparent and fair appointment process for committee or commission members. Define the roles of the governing body (such as the mayor, city council, or relevant authority) in appointing or approving members. Most processes utilize both a written submission and some type of interview process to assess qualifications and fit.

- *Terms and Staggering:* The organization should document the terms of committee or commission members. There are advantages to limiting the length and number of terms for which members can serve. Limiting terms can help avoid overrepresentation of interest groups. However, term limits may also result in the exit of members who have the most experience. By staggering terms, the organization can maintain institutional memory while allowing for new members to join regularly. In addition, another common best practice is to require governance group members to wait a period of time (usually one or two term lengths) before applying for new governance roles. This helps to ensure broad representation on governance groups.

- *Composition and Diversity:* The organization should document the size and composition of the committee or commission based on the requirements of the work to be done. It is best practice to strive for diversity in membership. Equity principles suggests that membership be representative of the community at large (in terms of sex, race, ethnicity, and geography) in order to promote inclusivity, robust decision-making, and community representation.

- *Expertise and Qualifications:* Some municipalities require only that its governance group members reside in or own a business in the city and demonstrate an interest in the committee subject matter. However, some governance groups—like the Planning Commission—may benefit from specialized expertise or a minimum baseline knowledge within their membership. In particular, groups charged with oversight responsibilities or that deal in highly technical topics often require some degree of subject-matter familiarity from some or all members. This ensures that members can contribute effectively and make informed recommendations, in collaboration with the subject matter expertise that staff provide.

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[17] Maryland Municipal League: Citizen Boards, Commissions and Committees
[18] Local Government Citizen Advisory Boards, MRSC

Current Conditions

The processes to select and appoint members of commissions and committees is outlined via various City Council resolutions. For example, Resolution 16-137 establishes processes related to recruitment and appointments. In alignment with best practice, the City has also taken steps to expand diversity within the governance groups by adopting Resolution 03-203, which affirms the intention to embrace the City's demographic diversity when making appointments.

The Municipal Code outlines some considerations for selection criteria for some, but not all, groups. For example, the Housing Commission chapter notes criteria that the Council should prioritize when appointing members (like applicants who are familiar with the operation of affordable housing or who are renters). However, several groups do not have clear standards or criteria for minimum qualifications for positions within groups that would benefit from technical expertise. Notably, the Planning Commission does not have any documented criteria. Without minimum (or even desired) qualification requirements, it is difficult to ensure that applicants have subject matter familiarity related to the governing group on which they serve.

The City does not currently require governance group members to wait a period of time before applying for new governance roles. As such, governance group members can serve in multiple consecutive positions across various groups.

Recommendations

- Review the qualification criteria for each commission and committee to determine if the City would benefit from adjustments:
  - Consider establishing qualification criteria for select groups to help ensure that the City's advisory groups contain members with baseline subject matter familiarity to productively engage in their advisory capacity.
  - Consider establishing a waiting period for current governance group members looking to apply for new positions. The goal of this shift would be to encourage broader participation and representation within governance groups.
  - Consider adopting standard commission and committee member interview questions that are germane to their roles and responsibilities.
- Appendix A contains a summary of the current selection criteria for each group as documented in the City's Municipal Code.

Commission and Committee Operations

10.	Observation	Commission and committee operations—including onboarding, meeting procedures, work plans, and reporting—are not always consistent or effective.
	Recommendation	A. Continue efforts to expand and formalize onboarding and training expectations for both commissions and committees.
		B. Clarify the process and expectation for cancelling unnecessary meetings.
		C. Consider adopting the practice of requiring annual work plans for each commission and committee.

Best Practice

Onboarding and Training

Onboarding and training for new commission or committee members are crucial for smooth integration into their roles and the effective functioning of the commission or committee. By implementing a robust onboarding and training program, commissions or committees can facilitate effective participation and engagement of new members. This leads to informed decision-making, collaboration, and overall success of the group's work in serving the community.

In most aspects, governance group orientations often follow a similar (if abbreviated) format to that of Council orientations (see the City Council Onboarding and Training section). However, committee and commission orientations often focus on additional areas:

- *Subject Matter Training*: Governance group orientation typically includes some degree of subject matter training or resources to help new members familiarize themselves with the area of focus of the commission or committee. By providing background information, relevant research, and resources, new members can build their knowledge and expertise in their respective areas.

- *Roles and Responsibilities*: Clarifying the roles and responsibilities of the governance group chair, members, and staff can be helpful to support smooth operations. In particular, the chair will play a large role in ensuring productive meetings by facilitating discussions and keeping the group focused.

- *Staff Support:* Governance group orientations should clearly outline what type of support the group will receive from their staff liaison, as well as introduce other important staff contacts (like the City Clerk's Office).

Meeting Procedures

Commission and committee meeting procedures should be established in code and/or other formal documents. In terms of meeting cadence, there are no established standards for meeting frequency. Rather the cadence should be based on the needs of the committee or commission's function. If there is not active work to accomplish, the group should have a provision to cancel unnecessary meetings.

Annual Work Plans

It is best practice for advisory groups to develop an annual work plan that outlines the group's priorities, timelines, and any relevant deliverables.[19] Regular review of progress and adjustment to the work plan may be required over the course of the year. This type of planning document can help ensure groups are focused on the highest priority work and reduce scope expansion. Given that advisory groups do not have assigned staff to complete operational work, it is important to note that the annual work plans can only refer to work that group members will produce themselves. In addition, work plans should be aligned with and support major City goals, priorities, and/or Work Program items.

Reporting

The reporting structure and expectations for how commissions or committees share information with City Council should be documented. Establishing clear lines of communication and reporting to the governing body ensures that recommendations are documented and considered in decision-making processes. Committees and commissions usually communicate with the governing body and the public by means of written reports, public hearings, and/or verbal communication. In addition, the new Council Procedures Manual requires that at least one commission member be present at Council meetings when the commission's recommendations are being considered to help facilitate direct communication.

Current Conditions

Onboarding and Training

The City has developed a general onboarding presentation for commissions. The focus of the onboarding presentation is the material covered in the Commission Handbook, including structure of government; commission purpose; attendance; public meetings (Brown Act); conflicts of interest; parliamentary procedures; ethics; City Work Program; and communications.

However, there are opportunities to enhance the effectiveness of the onboarding process.

- It is unclear whether this training is presented to committees.
- As noted in the Commission and Committee Structure section, there have been ongoing challenges ensuring that all governance group members understand that their core function is advisory in nature and that they cannot direct staff on administrative matters or assign work tasks.
- Interviewed staff noted that the current orientation is fairly short and does not go into depth on any issues. The training does not touch on specific responsibilities. For example, some staff noted that the role of the chair is often not specifically addressed, and note-taking processes vary by group.

Meeting Procedures

Meeting cadence varies widely by group, which is to be expected given their differing scopes. Staff report that groups which meet frequently (once or twice per month) have frequently resisted the idea of cancelling meetings when there are no active agenda items. This suggests that additional training

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[19] Local Government Citizen Advisory Boards, MRSC

and guidance from staff on this issue may be beneficial to make better use of staff and governing group members' time, and that meeting frequency could be evaluated.

Work Plans

The City does not require annual work plans for any of their governance groups. In the absence of defined priorities or clear direction from Council, some interviewees noted that governing groups will occasionally find new projects to take on that are outside the scope of the group's intended role.

Reporting

The City hosts a monthly meeting where all commissions can report on progress and upcoming activities to the Mayor.

Recommendations

- Continue efforts to expand and formalize onboarding and training expectations for both commissions and committees. In particular, it may be helpful to expand the current orientation process and establish consistent processes to provide subject matter training for relevant groups. Providing opportunities for peer-to-peer learning across governance groups may also be helpful.

- Provide additional support for groups that meet frequently (at least once per month) to clarify the process and expectation for cancelling unnecessary meetings. It may be beneficial to introduce a regular check-in between the chair and staff liaison when finalizing agendas to determine if there is a need for the subsequent meeting.

- Consider adopting the practice of requiring annual work plans for each commission and committee, that aligns with City's goals, priorities, and/or Work Program. The development of annual work plans would need to be supported by staff to ensure they are targeted, meaningful, and reasonable in scope. In many cities, staff liaisons develop draft work plans that are then reviewed, edited, and approved by the group they support.

C. CITY STAFF

Governance Group Staff Support

11.	Observation	The staff time used to support governance groups represents a significant investment of City resources.
	Recommendation	A. Review the practice of requesting department directors attend commission and committee meetings. B. Provide training for staff liaisons annually and when a new individual takes on the liaison role.

Best Practice

Staff support is a crucial element to ensure governance groups can operate smoothly, leverage expertise, and make informed decisions. Staff from across the organization may support different elements of the governance groups, including:

- Administrative support for meetings (including agenda development, meeting logistics, and taking meeting minutes)
- Compliance support
- Legal advice
- Subject matter expertise
- Training and onboarding

It is common practice to assign a specific staff liaison to provide the primary administrative support and subject matter expertise. Within this setting, it is critical to support liaisons with documentation and training on processes, responsibilities, and expectations.

The most critical best practice is to ensure that roles and responsibilities are clearly defined for all parties. Both staff and governance group members should understand their specific duties, expectations, areas of expertise, and limitations.

Current Conditions

In alignment with best practice, the City has established staff liaison roles to support each commission and committee. In the instances where staff liaison roles are not already filled by a department director, some department directors have recently been asked to participate in these meetings in addition to the staff liaison. While the intention behind this shift was to provide additional support to staff, some interviewees noted that this has created challenges to the staff liaison's authority and sense of responsibility. When department directors are present, it can undermine the staff liaison's position and can create confusion about roles.

Supporting governance groups requires significant investment of staff time and City resources. A 2023 review performed by the City estimated that required annual staff liaison time to provide this support totaled more than 4,600 hours.[20] In addition to staff liaison hours, the report notes that the "City Clerk's Office spends significant time (over 1,000 hours) per year on administrative duties for commissions such as orientation, training, and assisting with agendas. The City Attorney's Office also supports certain commission and committee items and staffs the Planning Commission."

Some interviewed staff reported significant challenges to accomplishing the workload associated with supporting these groups. In particular, the City Clerk's Office has been struggling with understaffing, which has had a negative impact of their ability to both support governance groups and accomplish other work priorities.

January 17 Staff Report – Staff Liaison Hour Summary[21]

Commission	Annual Staff Liaison Hours	Committee	Annual Staff Liaison Hours
Bicycle Pedestrian	240	Administrative Hearing Committee	30
Arts and Culture	200	Audit Committee	230

[20] City Council Staff Report January 17: Study Session to consider modifying Municipal Code Title 2 regarding compositions and responsibilities of existing Commissions and Committees

[21] City Council Staff Report January 17: Study Session to consider modifying Municipal Code Title 2 regarding compositions and responsibilities of existing Commissions and Committees

Commission	Annual Staff Liaison Hours
Housing	220
Library	350
Parks and Recreation	750
Planning	1100
Public Safety	200
Sustainability	220
TICC	120
Teen	300
Total	**3,740**

Committee	Annual Staff Liaison Hours
Disaster Council	30
Economic Development	60
Environmental Review	80
Design Review	40
Legislative Review	400
Total	**870**

In alignment with best practice, the City has documented the liaison duties and expectations. However, the City does not provide annual trainings for new and returning staff liaisons.

Recommendations

- Review the practice of requesting department directors attend commission and committee meetings. If it is determined that this practice does make sense within the City's operating environment, it will be critical to distinguish between the role of the staff liaison and the department director. If both department directors and staff liaisons are to attend the meeting, clear expectations for roles and responsibilities should be delineated and communicated. Department directors should reinforce the expertise and role of the staff liaison, while supporting staff in managing the effective function of the commission.

- Provide training for staff liaisons at least annually, and when a new individual takes on the liaison role. Ideally, this training would include key meeting protocols, roles and responsibilities, City policies, and tactics to help the groups stay focused on priorities, reinforce appropriate roles and responsibilities, and address conflicts.

- Continue efforts to right-size the number of committees and commissions to more effectively utilize staff time. See Commission and Committee Structure section for more details.

Communication and Change Management

<table>
<tr>
<td rowspan="2">12.</td>
<td>Observation</td>
<td>City staff continue to experience a high degree of organizational change and uncertainty. Within this context, it is critical for the City's management team to provide active communication and change management to increase support of staff.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Identify and implement expanded communication and change management practices to improve workplace culture.</td>
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</table>

Best Practice

Effective communication and change management with city staff are crucial for successful organizational operations and implementation of new initiatives:[22, 23, 24] The following are common best practices to help staff navigate significant organizational change or upheaval:

- *Transparent Communication:* Foster a culture of transparent communication by providing regular updates, sharing information, and actively engaging with staff members. Be open about organizational goals, changes, and challenges, and encourage two-way communication where staff can ask questions, share feedback, and express concerns.

- *Clear and Timely Messaging:* Ensure that messages about organizational changes, new initiatives, or important updates are clear, concise, and timely. Use multiple communication channels, such as staff meetings, emails, intranet, or newsletters, to reach staff members effectively. Tailor messages to different departments or levels of the organization, as needed.

- *Change Management Strategy:* For any major organizational change, develop a change management strategy to guide the related communications. This strategy should include:
  - A clear vision/message that communicates why the change is taking place. Without a clear understanding of the need for change, it is difficult to gain buy-in.
  - A communication plan that outlines the specific communication milestones, methods, and responsible parties. The communication plan should clearly identify what is changing, how it is changing, who will be affected, how City customers will be affected, and when the change will occur.
  - Mechanisms for staff involvement and feedback. Wherever possible, employees should be engaged prior to announcing new changes to define the problem, provide input on potential concerns, and provide suggestions to improve implementation.
  - Training programs, if relevant, to build new staff knowledge and skills.

- *Staff Involvement and Empowerment*: Involve staff members in the change process by soliciting their input, ideas, and concerns. Encourage their active participation in decision-making, problem-solving, and identifying areas for improvement. Empower staff by providing opportunities for training, skill development, and growth aligned with the changes being implemented.

- *Feedback and Recognition:* Create mechanisms for staff to provide feedback on the change process and the impact it has on their work. Actively listen to their concerns, address issues

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[22] Council-Staff Communication Guidelines, ICMA
[23] Preparing for a Culture of Change and Innovation, ICMA
[24] Mistakes to Avoid When Communicating Change, ICMA

promptly, and acknowledge their contributions and efforts. Recognize and reward staff members who adapt well to change and contribute positively to organizational goals.

Current Conditions

The City has undergone and continues to experience a high degree of organizational change and uncertainty. In particular, the high turnover in key leadership positions within the City and the ongoing turmoil in relation to Council/staff relationships has reportedly resulted in low employee morale and a strong (and understandable) resistance to additional change.

Some interviewed staff reported the need for strong levels of communication for leadership and a desire for more engagement and inclusion in decision-making processes—especially on topics that greatly impact staff such as flexible work arrangements. Within this environment, it becomes highly important that the City's management team is engaged in active communication, change management, and support of staff to help the organization weather change and improve the workplace culture.

Recommendations

- The City's management team should collaborate to identify and implement expanded communication and change management practices as a means of supporting staff and helping to improve workplace culture. Options may include:
  - *Communication Alignment:* The City's leadership team may benefit from establishing specific processes to explicitly identify what information needs to be shared with staff and who is responsible for sharing it. This can be as simple as a checklist that is used at the end of each management team meeting to discuss:
    - What information (if any) needs to be communicated out to staff?
    - Who is responsible for communicating it (individual vs. all department directors)?
    - How will the message be shared (email, verbal, etc.)?
    - When will the information go out?
  - *Engagement Surveys:* Regular (quarterly or semi-annual) employee engagement surveys can provide a means to track baseline and trends. By reviewing and acting upon feedback, the leadership team can continue to build trust with staff.
  - *Change Management Training:* The City's management team may benefit from training on communication and change management best practices. By participating in such trainings as a team, City management can then develop a shared vocabulary and begin to identify opportunities to make positive changes to current communication practices.

APPENDIX A: COMMISSION AND COMMITTEE SELECTION CRITERIA

The following table contains a summary of the current selection criteria for each governance group as documented in the City's Municipal Code.

Governance Group Title	Selection Criteria
Administrative Hearing Committee	• N/A
Arts and Culture Commission	• Members cannot be an official or employee of the City • Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission • Three members must be City residents • Membership will be drawn to represent the arts, citizens and business community on an approximately equal basis
Audit Committee	• A minimum of two and a maximum of three at large members cannot be officials or employees of the City • A minimum of two and a maximum of three at large members cannot cohabitate or be related to a member of the Committee, the City Manager, or the staff persons assigned to the Committee • Members must be a City resident, apart from the at-large member • In selecting an at-large member, the City Council shall give priority to individuals who have substantial accounting, audit, or investment experience, preferably in connection with a governmental agency
Bicycle Pedestrian Commission	• Members cannot be an official or employee of the City • Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission • Members must be City residents
Disaster Council	• N/A
Housing Commission	• The commission will include four community members and one representative from a Cupertino business • Members cannot be an official or employee of the City

Governance Group Title	Selection Criteria

	• Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission
	
	• Members must be City residents, apart from the representative of a business
	
	• The business representative must represent a business that is located in the City
	
	• In selection of community members, the City Council may give priority to:
	
	   ○ Applicants who represent the Community Development Block Grant (CDBG) target areas as described in the City's Consolidated Plan;
	
	   ○ Applicants who are familiar with the operation of affordable housing;
	
	   ○ Applicants who represent non-profit community organizations; and
	
	   ○ Applicants who are knowledgeable about the housing needs of groups targeted for affordable housing development which include, but are not limited to, the following:
	
	     − Seniors
	     − Single parent families
	     − Homeless persons
	     − Families of low income
	     − Disabled persons
	     − Renters
	     − First time homebuyers

Library Commission	• Members cannot be an official or employee of the City • Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission
Parks and Recreation Commission	• Members cannot be an official or employee of the City • Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission • Members must be City residents
Planning Commission	• Members cannot be an official or employee of the City • Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission

Governance Group Title	Selection Criteria
	• Members must be City residents
	• Members must be qualified electors in the City
Public Safety Commission	• Members cannot be an official or employee of the City
	• Members cannot be part of the Sheriff's Department of the County, either regular or reserve, or members of the Central Fire Protection District
	• Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission
	• Members must be City residents
Sister City Committee	• N/A
Sustainability Commission	• Members cannot be an official or employee of the City
	• Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission

	• The Commission must include:
	  ○ One representative from a Cupertino-based business,
	  ○ One representative from a Cupertino-based primary, secondary, or higher educational institution, and
	  ○ Three community members.

	• Members must be City residents, apart from the business and educational institution representatives
	• Business and educational institution representatives must represent organizations that are located in the City

	• In selection of community members, the City Council may give priority to:
	  ○ Applicants who represent the target sectors and partners as described in the Cupertino Climate Action Plan (hereinafter referred to in this Chapter as "CAP")
	  ○ Applicants who are familiar with climate change mitigation and adaptation strategies, greenhouse gas emissions inventories, resource and utility conservation, sustainability, and behavior change
	  ○ Applicants who represent non-profit community organizations and environmental interest groups

Technology, Information, and Communications Commission	• Members cannot be an official or employee of the City
	• Members cannot cohabitate or be related to a member of the Commission, the City Manager, or the staff persons assigned to the Commission

Governance Group Title	Selection Criteria
	• Members must be qualified electors in the City
Teen Commission	• Members cannot be an official or employee of the City
	• Members cannot be related to any official or employee of the City
	• Members must be City residents
	• Members must include at least one person from each public middle school and public high school in Cupertino, if possible
	• Members may attend schools outside of the City limits, or be schooled at home
	• Members must be in the 8th through 11th grade at time of appointment
	• Members should reflect the broadest possible representation of Cupertino youth