

# Commissioner Training

All City Commissions

February 13, 2025



**CUPERTINO**

# Training Overview

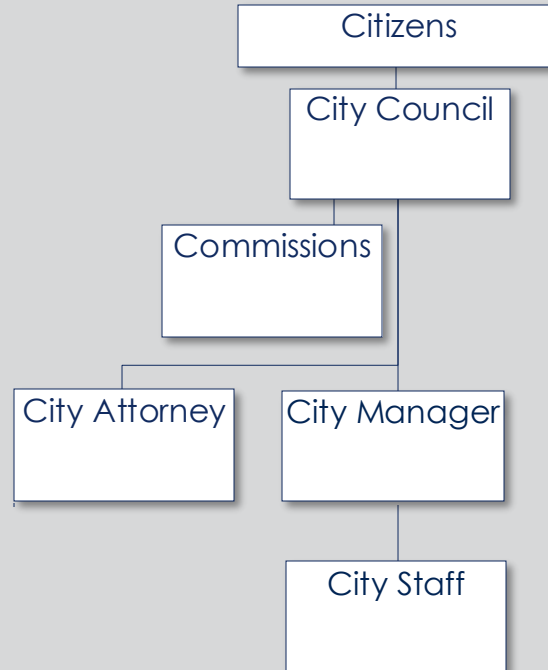
- Provided annually
- Required for Commissioners, Staff Liaisons and Admins
- Review of roles and responsibilities
- Commissioner's Handbook
- The Brown Act (Public Meetings)
- Conflict of Interest (Political Reform Act)
- Updates in changes in laws or policies
- Technology Reminders



# Presenters

- City Manager
- City Clerk
- City Attorney
- Chief Technology Officer

# City Organization Reporting Structure



# Council-Manager Form of Government

- City Council sets policy and vision.
- City Manager implements policy and directs administrative operations and staff.
- City staff has three primary roles:
  1. Develop policy alternatives/make professional recommendations.
  2. Implement Council direction.
  3. Support day-to-day operations.

# City Commissions and Committees

- Commissions are Advisory to City Council.
- Council Conducts Annual Recruitment and Appointments.
- Commissioner's Responsibilities and Expectations
  - Commissioner's Handbook
  - City Council Procedures Manual, Section 4
- Commission Chair monthly meeting updates with the Mayor.

# Commission Role

- Act in a purely advisory capacity to the City Council in matters pertaining to commission scope
- Weigh public input on the issues
- Provide recommendations to Council
- Act as a body
- Require a majority voting on matters
- Individual Commission member comments are not direction
- Scope of Duties are outlined in the Municipal Code Chapter 2

# Commissions Scope of Duties

Audit Committee	Reviews various City reports and recommends filing with City Council, receives updates on Fraud, Waste and Abuse program, and recommends a budget format.
Bicycle Pedestrian Commission	Advises Council on transportation matters within Cupertino including bicycle and pedestrian traffic, parking, education, and recreation.
Arts and Culture Commission	Fosters, encourages, and assists in the realization, preservation, and advancement of arts and culture for the benefit of the citizens of Cupertino.
Housing Commission	Assists in recommending housing policies and strategies, monitoring affordable housing projects, and identifying sources of funding for affordable housing.
Library Commission	Advises Council regarding library service in the community and serves as liaison between the City and the Santa Clara County Library JPA.
Parks & Recreation Commission	Advises Council on parks and recreation related activities, including park site acquisition and development, community activities, and recreation policies.



# Commissions Scope of Duties

Planning Commission	Advises Council on land use matters including the City's General Plan, implements the General Plan through the administration of specific plans, zoning and subdivisions, and establishes a standing subcommittee for design review.
Public Safety Commission	Advises Council on areas relating to public safety, traffic, police, fire and other areas where public safety may be of concern.
Sustainability Commission	Advises Council on major policy and programmatic areas related to the environmental goals in Cupertino's Climate Action Plan and General Plan's Environmental Resources/Sustainability Element.
Teen Commission	Advises Council and staff on issues and projects important to youth in the Cupertino community.
Technology, Information, & Communications Commission	Advises Council on all matters relating to telecommunications in Cupertino and provides support for community access television.

# Commissioner Responsibilities

- Read the Commissioners' Handbook
- Prepare for and participate in commission meetings
  - Read materials and send clarifying questions to staff in advance
- Attend at least 75% of meetings annually
- Represent the community
- File Form 700 annually
- Complete required trainings

# City Work Program

- Commissions support City Work Program items
- Goals are reviewed annually
- Approved by the City Council
- Commissions also work on ongoing projects specific to their commission that align with Council goals
- Council Workshop is scheduled for Monday, March 3, 2025
- To learn more: <https://www.cupertino.gov/Your-City/City-Council/City-Work-Program>



**Questions?**

# City Clerk

- Manages recruitments for commissions
- Administers oaths and conducts orientations
- Ensures compliance for required filings
- Coordinates trainings
- Monitors attendance and eligibility
- Oversees commission agenda publications

# Commission Liaisons

Arts & Culture	Gian Martire
Audit Committee	Jonathan Orozco
Bike Ped	David Stillman
Housing	Nicky Vu
Library	Molly James
Parks & Rec	Jenny Koverman
Planning	Piu Ghosh
Public Safety	Marta Drown
Sustainability	Victoria Morin
TICC	Teri Gerhardt
Teen	Sonya Lee

# Commission Liaison Role

- Serve as technical advisors
- Are politically neutral
- Attend commission meetings
- Prepare agendas in consultation with Chair
- Prepare agenda reports
- Report Commission recommendations to Council
- Communicates Commission Work Program goals for Council consideration
- Prepare minutes
- Ensure notices follow State law and City policies

# Rosenberg's Rules of Order

- Follow Rosenberg's Rules during meetings
- In place to run efficient meetings and accomplish City business
- Allows for orderly deliberation of items
- Commission should arrive at a majority decision
- Meetings are run by the Chair
- Be respectful of sometimes differing opinions



# Ethics Training

- Required for Public Officials and City staff per State law (AB 1234)
- Educates officials on ethical standards
- Applies moral principles and values in decision-making
- Training reduces the likelihood of missteps
- Due every two years
- Minimum of 2 hours of training

# Cupertino Ethics Policy

- Adopted by City Council (November 2023)
- In accordance with state law and Title 2 of Cupertino Municipal Code
- Sets conduct of public officials
- Reinforces timely completion of required documentation and training
- Affirmer is responsible for understanding and following spirit of the Code

# Anti-Harassment Training

- Required for public officials per state law (SB 1343)
- Includes practical examples of harassment, discrimination, and retaliation
- Information about preventing abusive conduct and sexual and gender-based harassment
- Due every two years

# Attendance

- Attendance at meetings
  - More than 25% or 3 consecutive meetings missed\*
  - Clerk's Office will send a warning letter
  - Resets annually

*\*Dependent on Commission meeting frequency*

# Form 700s

- File your Statement of Economic Interests (Form 700) with the City Clerk's Office (except Planning Commission)
- Statement of Economic Interests (Form 700)
  - Assuming Office due within 30 days
  - Annual filings due April 1
  - See Clerk's Office instructions on how to e-file

# Form 700s

- What's new?
  - AB 1170 is now in effect for agencies where the FPPC is the filing official.
  - Planning Commission must file their Form 700 using the FPPC's Portal.
  - The FPPC no longer accepts paper filings or hard copies of Form 700s.

# Clerk's Reminders

- Complete training courses:
  - Look for assignment notifications from:  
[email@targetsolutions.com](mailto:email@targetsolutions.com)
  - Login to: <https://app.targetsolutions.com/>
- Revisions to Council Procedures Manual discussion on February 19

# Questions?

Email: [cityclerk@cupertino.gov](mailto:cityclerk@cupertino.gov)

Telephone: 408-777-3223



# Brown Act Rosenberg's Rules of Order

February 13, 2025



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# The Brown Act

- *“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting . . . except as otherwise provided in this chapter.” (Gov. Code, § 54953(a))*
- Legislative bodies must:
  - Conduct business and make decisions only in open public meetings
  - Publish and follow meeting agendas
  - Provide an opportunity for public participation before making decisions.

# What Is a “Meeting”?

- “...[A]ny congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains” (Gov. Code, § 54952.2(a))
- Meetings include:
  - Regular meetings
  - Special meetings
  - Emergency and adjourned meetings

# What Is Not a “Meeting”?

- Individual contacts
- Staff briefings (less than a quorum)
- Social and ceremonial gatherings
- Conferences/seminars
- Open, publicized community meetings (not City meetings)
- Meetings of other legislative bodies

# Serial Meetings

- Brown Act prohibits a series of communications of any kind (directly or through intermediaries)
- Wagon wheel or daisy chain

# Social Media

- Public official may communicate on social media platforms to:
  - Answer questions
  - Communicate with the public
- Members may not use social media to discuss official business among themselves
  - No responses to other members
  - No likes
  - No 😞

(Gov. Code, § 54953(b)(3))

# Agendas

- Legislative body may only discuss agendized topics
- Agenda includes “brief general description” of item to be discussed (Gov. Code, § 54952.2(a)(1))
- Must be posted 72 hours before regular meeting and 24 hours before special meeting
- **Limited** discussion of non-agendized matters:
  - Brief reports/announcements
  - Asking a question for clarification
  - Referring item to staff
  - Briefly respond to public comments

# Public Participation

- Opportunity for public comment on:
  - Any item within the subject matter jurisdiction of the legislative body (*regular meetings only*)
  - Specific items of business
- Public right to review non-privileged documents distributed to a majority of the legislative body
- Comments may be anonymous



# Enforcement

- Demand for cure or correction
- Possible consequences of violation:
  - Void action
  - Injunction against future violations
  - Attorneys' fees award
- Criminal prosecution where violation is intentional

# Rosenberg's Rules of Order

## Life of a Motion

1. Chair announces item subject and number
2. Staff introduces item
3. Commission asks technical questions for clarification purposes
4. Public comment on the item
5. Chair asks for motion (Basic Motion: "I move that we...")
6. Chair asks for second
7. Commission debates motion
8. Commission votes (Simple majority to pass, no debate)
9. Chair announces result

# Rosenberg's Rules of Order

## Notes:

- All motions should receive a second before they can be voted upon.
- You must be recognized by the Chair before speaking.
- Chair may set limits on debate time or number of speakers.
- Abstentions generally don't count in vote tally.



**Questions?**

# Conflicts of Interest

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# Agenda

- Conflicts in making contracts (Gov. Code § 1090)
- Political Reform Act
- Campaign Contributions (SB 1439)
- Gifts
- Common law conflicts of interest

# Gov. Code § 1090 – Contracts

- *A public officer or employee may not make contracts in which they are financially interested.*
- “Making” a contract includes final approval, involvement in preliminary discussion, planning, negotiation, and solicitation of bids.
- Legislative body is barred from making the contract, unless an exception applies.

# Political Reform Act

- *Public officials may not make or influence government decisions in which they know or should know they have a financial interest.*
- Financial interest must be “material” (as defined in FPPC regulations)
- Effect on official must be distinguishable for effect on the “public generally”
- If a conflict exists, recusal is required.



# Recusal Procedures

- Publicly identify nature of the financial interest
- Refrain from participating in meeting
- Disqualified officer may speak during public comment if the conflict arises from a personal economic interest.

# Campaign Contributions (SB 1439)

- Applies to decisions relating to licenses, permits, or entitlements
- Officer may not receive/solicit campaign contributions from parties/financially interested persons < \$500 –
  - While proceeding is pending
  - 12 months before a decision is made
  - 12 months after a decision is made
- Recusal required if requirements not met

# Gifts

- Officials prohibited from receiving:
  - Gifts valued at \$10 or more from a lobbyist registered under state law
  - Gifts valued at \$630 or more from any single source in previous 12-month period
- Gifts from a single source totaling \$50 or more in a calendar year must be reported on Form 700
- Numerous exceptions (e.g., gifts from family, home hospitality, gifts in a dating relationship)

# Common Law Conflicts

- Public officials cannot use their positions for personal gain.
- Avoidance of prejudice/due process requirements for quasi-adjudicatory decisions:
  - Decision should be based on evidence in the record
  - Officials should not be committed to an outcome before a hearing



**Questions?**

# Information & Technology

## Technology Reminders:

- Cybersecurity Training
  - Increase in cyber-attacks on Government
  - Regular training, phishing simulations
- Use of City email and personal emails
- International travel
  - Inform IT of travel (country and dates)
- IT Helpdesk: [helpdesk@cupertino.gov](mailto:helpdesk@cupertino.gov) or 408-777-3381



**Questions?**