

CC 09-06-2023

#6

Enterprise Leadership
Assessment

Presentation

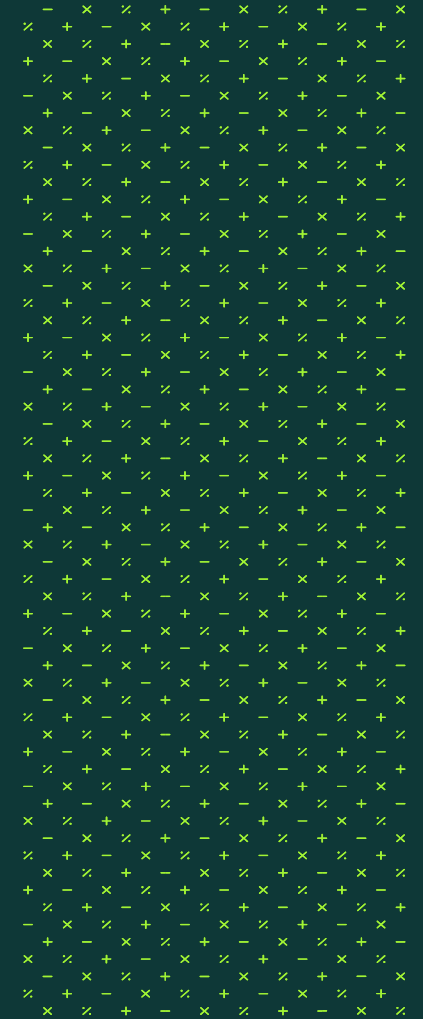


MOSSADAMS

CITY OF CUPERTINO

Enterprise Leadership Assessment

Council Meeting
September 2023





Agenda

01 PURPOSE AND SCOPE

02 METHODOLOGY

03 OBSERVATIONS AND RECOMMENDATIONS



Purpose and Scope

The purpose of this assessment was 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. Topics included:

- 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



Methodology

Our work was performed between March and June 2023. The project consisted of four phases:

1. **Project Initiation and Management:** This phase concentrated on comprehensive project planning and project management including scope setting, identifying staff to interview and documents to review, communicating the plan, and establishing a game plan for execution.
2. **Fact Finding:** The second phase included interviews, document review, and best practice research. We conducted interviews with 23 members of City staff and City Council members.
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:** This phase concluded the project. We reviewed the draft report with City management and are now presenting the final report to the Audit Committee.

The report is divided into three sections—City Council, Commissions and Committees, City Staff—and includes 12 observations.



Observations and Recommendations

1. Policies and Procedures

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	<ul style="list-style-type: none">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. Meeting Cadence and Processes

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.



Observations and Recommendations

3. Collaboration and Relationship

Observation	There is a well-documented history of mistrust and poor communication between the Council and management.
Recommendation	<ul style="list-style-type: none">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.



Observations and Recommendations

4. Council Onboarding and Training

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.



Observations and Recommendations

5. Ethics and Compliance

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.



Observations and Recommendations

6. Strategic Direction

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.



Observations and Recommendations

7. Community Engagement

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.



Observations and Recommendations

8. Commission and Committee Structure

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	<ul style="list-style-type: none">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.



Observations and Recommendations

9. Commission and Committee Member Selection

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.



Observations and Recommendations

10. Commission and Committee Operations

Observation	Commission and committee operations—including onboarding, meeting procedures, work plans, and reporting—are not always consistent or effective.
Recommendation	<ul style="list-style-type: none">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.



Observations and Recommendations

11. Governance Group Staff Support

Observation	The staff time used to support governance groups represents a significant investment of City resources.
Recommendation	<ul style="list-style-type: none">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. Communication and Change Management

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.



➤ QUESTIONS



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#7

Compliance Progress
Report

Presentation

Compliance Progress Report

September 6, 2023



**CITY OF
CUPERTINO**

Background

- December 2022 Grand Jury Report
- May 2023 Fact Finding Report
- July 2023 Enterprise Leadership Assessment

Consensus Conclusions

- Pervasive lack of trust between Councilmembers and City staff
- Councilmembers do not consistently understand their role within the Council-Manager form of government.
- Concerns about the effectiveness of the City Council as a policy- and decision-making body

Progress Report

- Council directed the City Attorney's Office to return to Council with a report on Councilmembers' progress toward compliance with the Municipal Code.
- Focus on four of the recommends in Fact Finding Report:
 - Avoid "governance by email."
 - Improve Council-staff relations.
 - Give weight to professional advice.
 - Address Councilmembers' need for information.



Progress Report

Recommendation 1: Avoid “governance by email.”

Progress Report

Recommendation 1: Avoid “governance by email.”

Conclusion:

Significant improvement



Progress Report

Recommendation 2: Improve Council-staff relations.

Progress Report

Recommendation 2: Improve Council-staff relations.

Conclusion:

Significant improvement

Progress Report

Recommendation 3: Give appropriate weight to professional advice of executive management team and other professionals.

Progress Report

Recommendation 3: Give appropriate weight to professional advice of executive management team and other professionals.

Conclusion:

Significant improvement



Progress Report

Recommendation 7: Address Councilmembers' need for information.

Progress Report

Recommendation 7: Address Councilmembers' need for information.

Conclusion:

- Substantial progress toward meeting this goal
- *Concerns remain about Councilmember-City Manager communications.*

Recommendations

- Restore Councilmember committee assignments.
- Develop revised Ethics Policy.
- Continue providing training on Brown Act.
- Provide training on Rosenberg's Rules of Order.
- All Councilmembers should attend one-on-one meetings.

Outstanding Concerns

- Continued misunderstanding of distinction between operational and policy issues.
- Ongoing concerns about efficiency and effectiveness of City Council meetings.
- Unrepresentative and/or ineffective public participation and engagement.



Potential Policy Responses

- Updates to Council Procedures Manual
- Additional Council training/workshops
- Improve community engagement practices

Recommended Action

- Adopt recommendations in Progress Report.
- Consider further policy responses to address ongoing governance issues.



Questions?

CC 09-06-2023

#8

Council Procedures
Manual Update

Presentation

Council Procedures Manual Update

September 6, 2023



**CITY OF
CUPERTINO**

Background

- **February 2023:** Council adopts Cupertino City Council Procedures Manual
- City Attorney directed to return to Council in six months to consider potential revisions

Potential Revisions to Manual

- **Section 4:** Clarify the distinctions between and naming conventions for advisory bodies.
- **Section 5.6:** Incorporate additional training requirements.
- **Section 8.2:** Revise the rules of order to improve the efficiency and effectiveness of Council deliberations.
- **Section 8.3:** Formalize written reports of Council activities.
- **Section 8.4:** Improve procedures for shortening and consolidating time; consider adopting overall time limits for comments by individual speakers.

Recommended Action

- Provide input regarding revisions to City Council Procedures Manual



Questions?