

# Commissioner's Handbook Review

Technology, Information, and  
Communications Commission (TICC)

March 3, 2021



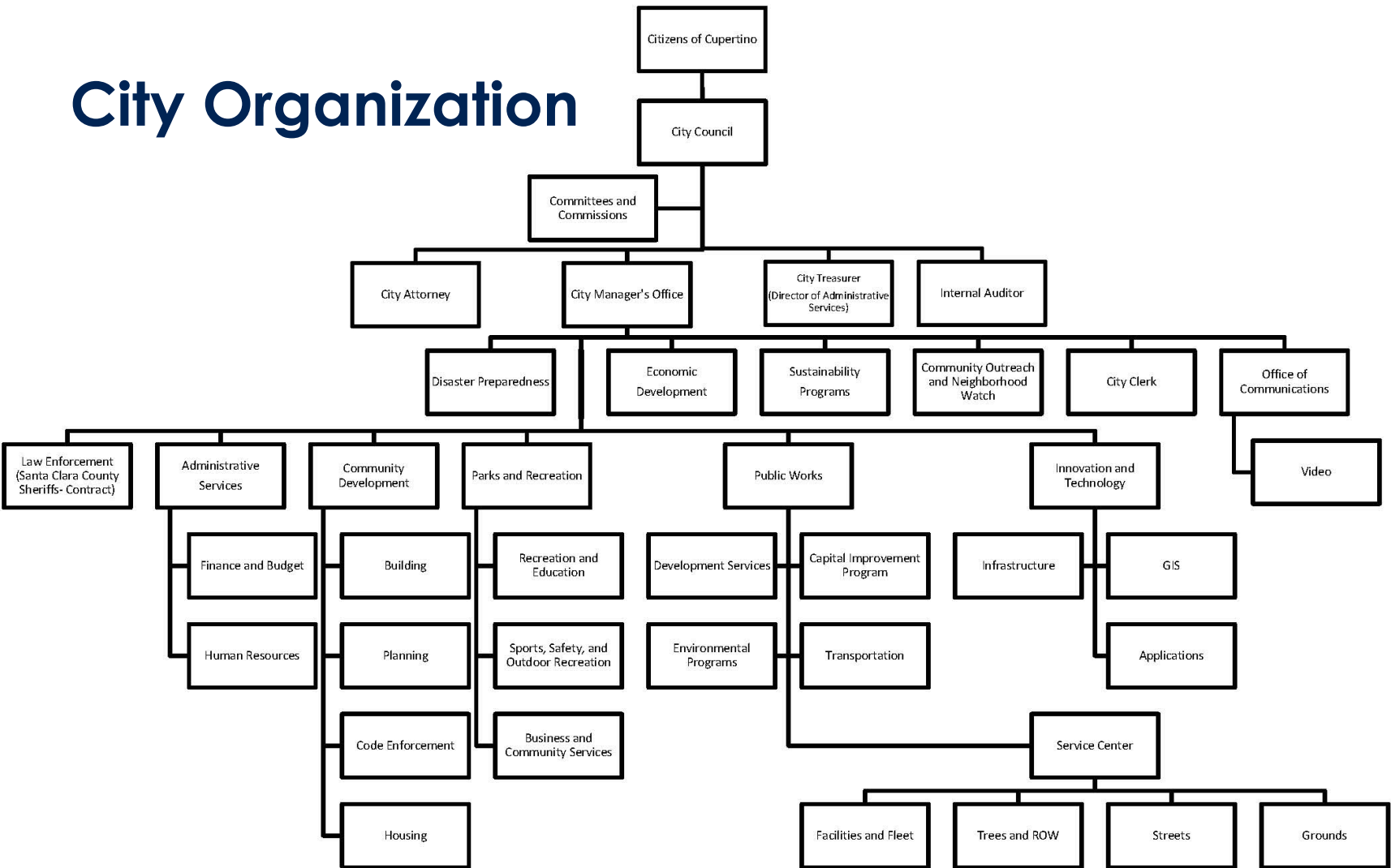
**CUPERTINO**



# Commissioner's Handbook

- Structure of Government
- Commission Purpose
- Attendance
- Public Meetings (Brown Act)
- Conflict of Interest (Political Reform Act)
- Parliamentary Procedure (Rosenberg's Rules)
- Ethics
- City Work Program
- City Email Policy

# City Organization





# Council-Manager Structure of Government

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

# Commission Purpose, CMC Ch. 2

1. Advise the City Council and City Manager on all matters relating to technology, information, and communications within the city of Cupertino;
2. Evaluate compliance with any franchise or other agreement between the City and technology, information, and communications providers and make recommendations to the City Council;
3. Conduct periodic reviews of technology, information, and communications providers, facilities and products and make recommendations on such subjects to the City Council;
4. Recommend amendments to the City's telecommunications policy of the City Council;
5. Serve as a liaison between the City, the public and the technology, information, and communications providers in enhancing information and education. Such activities include providing an opportunity for input to residents and disseminating noncommercial, educational materials about technology, information, and communications services;
6. At the request of the City Manager, provide assistance in examining methods to obtain equivalent franchise fees or other economic benefits from service providers;
7. Provide support for community access television, especially public and educational access, and give guidance when needed for development and implementation of access channels and programming;
8. Recommend ways to foster the City's best use of technology, information, and communications infrastructure and services for the maximum benefit of the community.
9. Provide education to the community on the use of technology, information, and communications infrastructure and services.

# Attendance

- 25% of regular meetings missed or three consecutive meetings missed in a calendar year results in removal
- May request a waiver of this provision to Council

# 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’t. Code Sec. 54953(a)

3 key requirements:

- (1) conduct business and make decisions only in open public meetings;
- (2) publish and follow meeting agendas; and
- (3) provide an opportunity for public participation before making decisions

# Brown Act – Meetings

- “ . . . any congregation of a majority of the members of a legislative body at the same time and location, . . . to **hear, discuss, deliberate, or take action** on any item that is within the subject matter jurisdiction of the legislative body.”
- Regular meetings
- Special meetings called by Chair or majority of commission



# Brown Act – Action Taken

- a collective **decision** made by a majority
- a collective **commitment or promise** by a majority to make a positive or a negative decision; or
- an **actual vote by a majority** when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. Gov't. Code Sec. 54952.6

# Brown Act – Serial Meetings

- A majority of the members of a legislative body shall not, outside a meeting . . ., use a **series of communications** of any kind, directly or through intermediaries, **to discuss, deliberate, or take action** on any item of business that is within the subject matter jurisdiction of the legislative body. Gov't. Code Sec. 54952.2(b)(1)

# Brown Act – Serial Meetings

- Daisy Chain: A to B, B to C, C to D



- Wagon Wheel: A to B, A to C, A to D



- Includes Email, Texting, Notes
- Do not “Reply All” in emails
- Limit risk by sending communications to commission liaison and not stating position outside of meetings

# Brown Act – Exceptions

- Individual Contacts and Staff Briefings – less than quorum
- Staff may have separate conversations or communications with members, outside of a meeting, in order to answer questions or provide information
- Staff may not communicate the comments or position of any other member of the legislative body.  
Gov't. Code Sec. 54952.2(b)(2)

# Brown Act – Exceptions

- Purely Social and Ceremonial Gatherings & Seminars
- Open, Publicized Community Meetings
- Meetings of Another Agency
- **Members should not discuss City business**

# Brown Act - Agendas

- Post 72 hours before regular meeting and 24 hours before special meeting
- Scope of discussion and action is limited to agendaized matters
- Brief general description of items to be discussed – to inform interested members of public of the subject matter
- May schedule future items, hear staff/commissioner announcements, have very brief clarifying questions/responses to public

# Brown Act – Public Participation

- Public right to speak on (1) any item within the subject matter jurisdiction of the commission and (2) the specific items of business before or during the commission's consideration
- Comments may be anonymous
- May impose reasonable time limits on public comment
- Cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the body itself
- Public right to review communications distributed to a majority of the commission



# Political Reform Act, Gov Code 81000 et seq.

- FPPC Statement of Economic Interests (Form 700) filing requirement
- Disclosure of personal financial interests
- Serves as a reminder in potential conflict situations
- Filed when assuming office and annually thereafter



# Rosenberg's Rules of Order

- Simple rules for parliamentary procedure
- How to establish order at meetings
- How motions are made
- How the chair runs the meeting

# Rosenberg's Rules of Order

Agenda format handled by the Chair:

- 1) Announces the agenda item
- 2) Invites the staff report
- 3) Asks members for clarifying questions
- 4) Invites public comments
- 5) Invites a motion
- 6) Invites a second to the motion
- 7) Ensures motion is understood
- 8) Invites discussion/deliberation
- 9) Takes a vote
- 10) Announces the vote result



# City Work Program

- Established by the City Council
- Guides the work of the City
- Commissions provide suggestions related to their purpose Nov/Dec

# Ethics

- Cupertino Ethics Policy
- Elected/appointed officials and staff receive regular training on ethics as required by state law (AB 1234)
- Options to satisfy the requirement:
  - Online self-study
  - Training led by City Attorney's Office
  - Annual conference or seminar



# City Email Policy

- Commissioners assigned City email address
- Use your City email to conduct City business
- Follow “netiquette” guidance set forth in Technology Use Policy
- Do not use your personal email account for City business



# Questions?

Contact the City Clerk's Office:

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

Telephone: 408-777-3223