

Commissioner's Handbook Review

Housing Commission

February 11, 2021



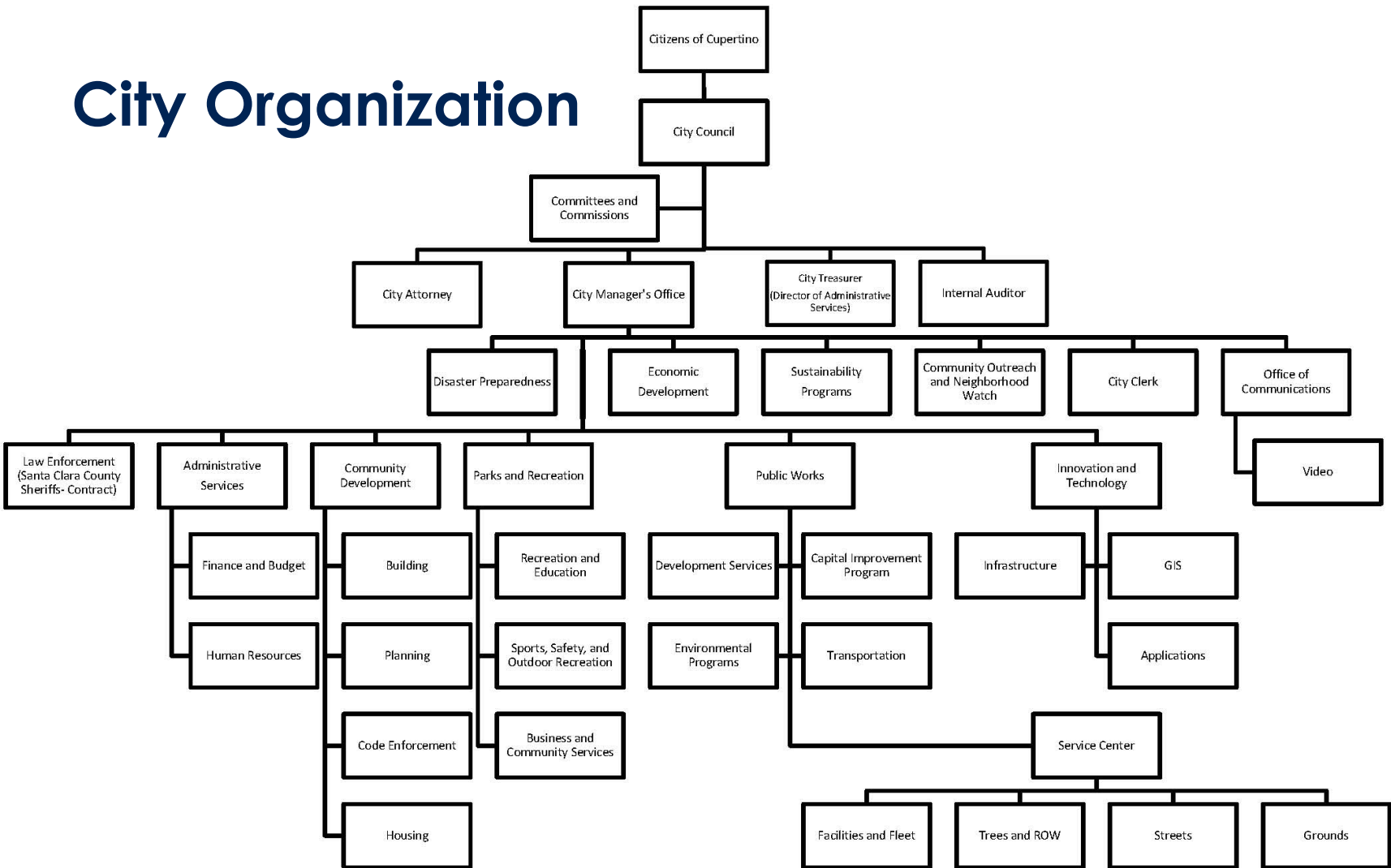
CUPERTINO



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

- A. To assist the Planning Commission and the City Council in developing housing policies and strategies for implementation of general plan housing element goals;
- B. To recommend policies for implementation and monitoring of affordable housing projects;
- C. To facilitate innovative approaches to affordable housing development and to generate ideas and interest in pursuing a variety of housing options;
- D. When requested by the Director of Community Development or the City Council, to make recommendations to the Planning Commission and the City Council regarding affordable housing proposals in connection with applications for development including, but not limited to, recommendations for possible fee waivers, other incentives, the number and type of affordable units and the target groups to be served. Any referral to the Housing Commission shall be limited to consideration of affordable housing proposals which exceed normal housing requirements under the applicable provisions of the City's general plan or ordinances related thereto;
- E. To make recommendations regarding requests for money from the CDBG and Affordable Housing Funds;
- F. To provide information about affordable housing;
- G. To meet with neighborhood, community, regional and business groups as necessary to receive input and assist in generating affordable housing;
- H. To help identify sources of funds to develop and build affordable housing;
- I. To perform any other advisory functions authorized by the City Council.

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 agendized 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

Telephone: 408-777-3223

Municipal Code Description

Chapter 2.86.100
Duties-Powers-
Responsibilities.

The duties and responsibilities of the Housing Commission shall be to:

- A. To **assist the Planning Commission and the City Council** in developing housing policies and strategies for implementation of general plan housing element goals;
- B. To **recommend policies** for implementation and monitoring of affordable housing projects;
- C. To **facilitate innovative approaches** to affordable housing development and to generate ideas and interest in pursuing a variety of housing options;

Municipal Code Description

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D. **When requested by the Director of Community Development or City Council, to make recommendations** to the Planning Commission and the City Council regarding affordable housing proposals in connection with applications for development including, but not limited to, recommendations for possible fee waivers, other incentives, the number and type of affordable units and the target groups to be served. Any referral to the Housing Commission shall be limited to consideration of affordable housing proposals which exceed normal housing requirements under the applicable provisions of the City's general plan or ordinances related thereto;

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The duties and responsibilities of the Housing Commission shall be to:

- E. To **make recommendations regarding requests for money** from the CDBG and Affordable Housing Funds;
- F. To **provide information** about affordable housing;
- G. To **meet with** neighborhood, community, regional and business groups as necessary to receive input and assist in generating affordable housing;
- H. To **help identify sources of funds** to develop and build affordable housing;
- I. To perform any other **advisory functions** authorized by the City Council.

FY 2020-2021 City Work Program

| Project/Task | Project Objective |
|--|--|
| Affordable Housing Strategies* | Explore the development of strategies that provides a variety of products across the affordability levels including updates to the City's density bonus ordinance, housing for the developmentally disabled and seniors, as well as those with moderate, low, very low, and extremely low income. *Continued from FY 19-20 work program |
| Engage with Philanthropic Organizations to find a way to build moderate-income and ELI housing units for Developmentally Disabled and Engage with Habitat for Humanity (or other nonprofit) to build ownership housing* | 1) Identify ways to build ELI housing units for developmentally disabled; and 2) Look at possibility of building 6-8 affordable ownership townhomes. *Continued from FY 19-20 work program |
| Review the City's Housing and Human Services Grant (HSG) Funds | 1) Review existing grant funds to determine allowable uses for emergency financial assistance programs. 2) Consider increasing BMR AHF public service and HSG funding allocations. |

FY 2020-2021

City Work Program (cont...)

| Project/Task | Project Objective |
|---|--|
| Housing Program for De Anza College Students | Explore solutions for homeless and housing insecure students. Assist as appropriate in the long-term development of De-Anza student housing. Investigate partnership with De Anza on student housing and transportation solutions. |
| Homeless Services and Facilities | Partner with non-profits/social service providers to bring mobile hygiene services to Cupertino and to accommodate the needs of homeless residents by evaluating the potential of adding amenities to future City buildings. |
| Research Governor's \$1.4 billion pledge towards homelessness, work with local agencies and service providers to connect with local funding. | Advocate for funding dedicated to Cupertino projects and programs. |

FY 2020-2021

City Work Program (cont...)

| Project/Task | Project Objective |
|---|---|
| Transportation to/from Service Providers | 1) Research existing bus routes; and 2) Provide funding to non-profits/social service providers for bus passes. |
| Housing Survey | To improve public engagement, conduct a citywide housing survey ahead of the 2023-2030 Housing Element update. |

Ongoing Items

- Funding Allocations
 - CDBG
 - BMR Affordable Housing Funds
 - General Funds Human Services Grant
- CDBG Documents
 - Annual Action Plan
 - CAPER

Housing Commission 2021 Schedule

Required by Municipal Code:

The Commission shall hold at least one regular meeting each quarter, such other meetings as may be necessary or expedient.

Proposed Meeting Schedule:

January 14

February 11

March 11

May 13

August 12

October 14