

PRC Meeting  
February 4, 2021  
Presentations

Item 1

Training on Commissioner Handbook Approved by City  
Council on January 19, 2021

# Commissioner's Handbook Review

Parks and Recreation Commission

February 4, 2021



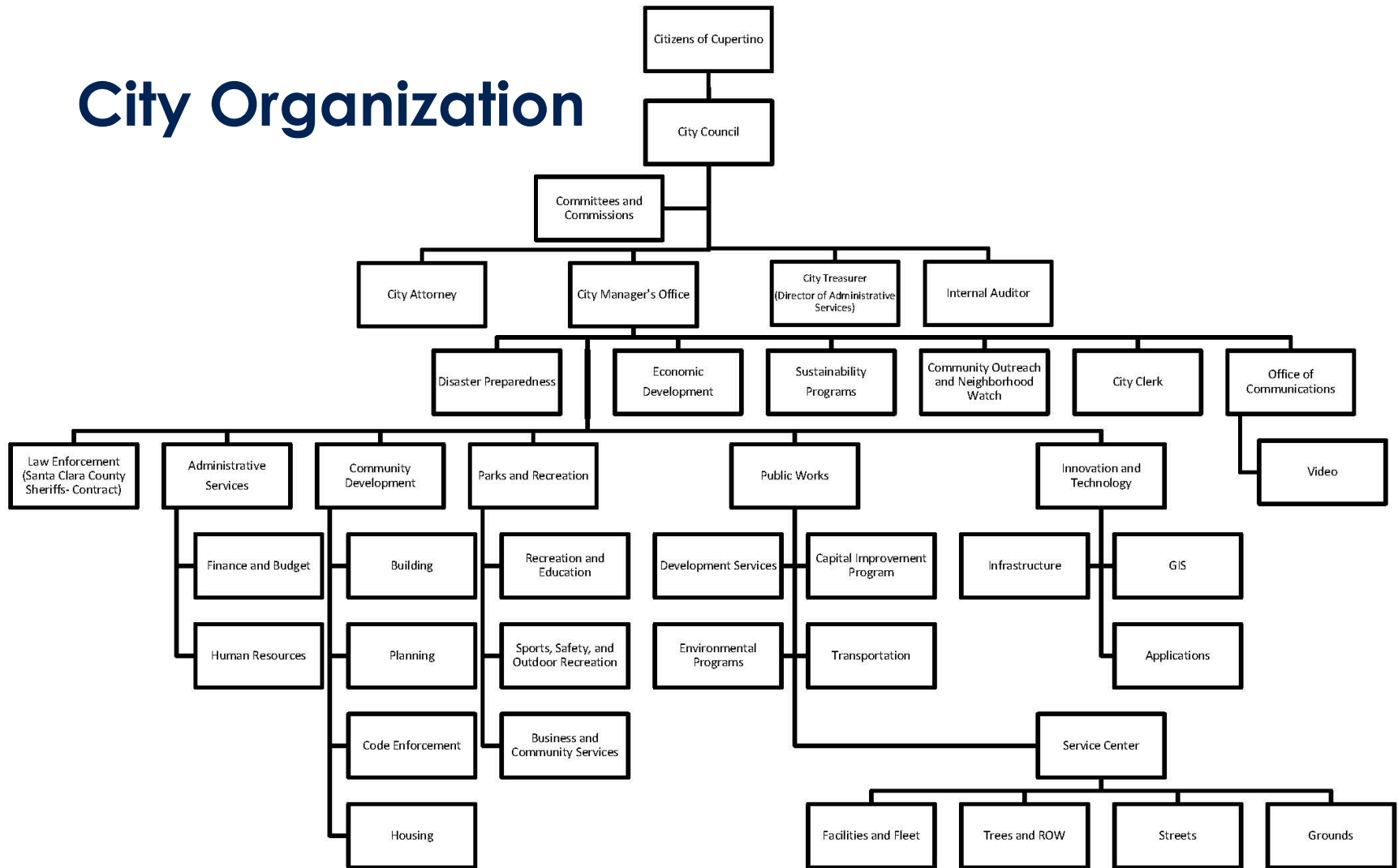
**CUPERTINO**



# 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 hold hearings on matters pertaining to planning and development of parks, cultural activities, historical resources, recreation, community services (including, but not limited to schools and senior services), and capital expenditures related to community activities and facilities;
- B. To conduct such other hearings as are necessary and in accordance with its own rules and regulations;
- C. To report its decisions and recommendations in writing to the City Council;
- D. To consider, formulate and propose programs, activities, resources, plans and development designed to provide for, regulate and direct the future growth and development of community activities, parks and a recreation system in order to secure to the City and its inhabitants better service;
- E. To make investigations and reports for future acquisition of park sites;
- F. To make, in its advisory capacity, any and all recommendations to the City Council relating to the above matters, including the extension of the parks, recreation system and community activities to outlying areas of the City;
- G. In cooperation with the Director of Recreation and Community Services, the Commission will consider, review, and evaluate parks, recreation programs, and community activities;
- H. To consider, formulate, and propose cultural activities and historical preservation for the City and its residents.

# 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

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Item 5

Review and Provide Feedback on the New Community  
Garden Guidelines



# New Community Garden Guidelines

February 4, 2021



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## Agenda

- Purpose and Goals
- Eligibility, Selection and Fees
- Gardener and City Responsibilities
- Santa Clara County Healthy Cities
- Organic Gardening and Crops

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## Agenda

- Animals and Pests
- Code of Conduct
- Enforcement, Notifications, and Penalties
- Appeals
- Recommended Action


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## Purpose

The Cupertino Community Garden is a beautiful, safe, and peaceful refuge for Cupertino residents amidst the fast-paced life of Silicon Valley.

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## Goals

- Create a welcoming environment
- Promote healthy living
- Provide education

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## Eligibility and Selection

- Open to Cupertino residents
- At Initial opening, current gardeners have priority, then residents on the existing waiting list
- Future waitlist gives priority to residents living in high-density housing

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## Fees

- \$110 annual fee (\$1.31/sq ft)
- \$150 refundable deposit

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## Gardener Responsibilities

- Follow all Community Garden guidelines
- Complete the Community Gardening 101 class
- Attend all mandatory meetings
- Complete all required annual volunteer hours
- Actively tend your crops and maintain your garden bed


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## City Responsibilities

- Assign garden beds
- Provide garden bed water, trash receptacles, recycling receptacles, compost receptacles, fresh compost, and large community use tools.
- Perform general maintenance


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## Santa Clara County Healthy Cities

- Makes city-owned property available to residents for gardening purposes
- 50% of all garden produce from edible plants
- Waives or discounts fees for residents that qualify for food assistance or other assistance programs

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## Santa Clara County Healthy Cities Discount Fee

- \$55 annual fee (\$0.66/sq ft)
  - 20% cost recovery
- \$75 refundable deposit
  - Covers a portion of the cost to return garden bed to original condition and to replace materials damaged beyond normal wear and tear
- Limited to no more than 5 residents at one time

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## Organic Gardening

The Community Garden strictly adheres to the principles, concepts, and practices of organic gardening.

- U.S. Department of Agriculture's (USDA) National Organic Program
- Organics Materials Review Institute (OMRI)

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# Organic Gardening


Chemicals/Fertilizes	Pest and Disease Control	Fertilizers
Allowed	Neem Oil; Soap Sprays; Sulphur; Wood Ashes; Pepper and Onion Spray; Tanglefoot; and similar organic products	Cottonseed; Blood, Bone, Horn or Hoof Meals; Kelp; Manure (not from humans, dogs, and cats); Compost; Liquid fish or seaweed; and similar fertilizers classified as "organic."
Prohibited	Rotenone; Pyrethrate; Pyrethroids; Nicotine Sulfate; Malathion; Finale Diazinon, Sevin; Roundup; Organophosphates; Dursban; organ chlorides; chlorpyrifos	Ammonium Sulfate or Nitrate; Muriate of Potash; Superphosphate; Highly soluble chemical fertilizers; human waste

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# Crops

Crops	
Approved	Common Vegetables, Flowers, Fruit, Berries, and Herbs
Prohibited	Trees (Any Kind), Mint (Any Variety), Perennial and Woody Vines (Including Grapes), Rosemary, Lavender, Cannabis (Marijuana), Bermuda grass, Opium Poppy, Peyote, Salvia divinorum, Tobacco, Coca, Jimsonweed, Hemlock, and any other invasive, toxic, noxious, controlled plant, any invasive plant listed by the California Invasive Plant Council or any foreign plants listed by the United States Department of Agriculture's Animal and Plant Health Inspection Service

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## Animals and Pests

- The McClellan Ranch Community Garden is in a nature preserve
- Gardeners may not trap or kill vertebrates, including rodents or snakes
- Gardeners should avoid contact with any dangerous predatory animals

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## Code of Conduct

- All gardeners must follow the rules, regulations, policies, and procedures
- Gardeners are required to treat all other others with courtesy and respect
- Gardeners must respect other's privacy, personal belongings, equipment, supplies, and crops

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## Enforcement

- City staff will make periodic and random inspections of the community garden
- Their good faith judgment is sufficient to enforce a violation of the community garden guidelines


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## Enforcement Notifications

- **Notification #1**
  - Sent by postal mail and email
  - 15 days to take corrective action
- **Notification #2**
  - After 15 days, the garden bed remains in violation
  - Final notice sent by certified postal mail and email
  - 15 days to take corrective action

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## Penalties

Gardener will forfeit their garden bed and all associated fees with no refund if they

- fail to comply and rectify the violation
- receives three separate notifications of violations within a one-year period


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## Appeals

Gardeners may appeal a termination to the Director of Parks and Recreation, whose decision will be final.

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## **Recommended Action**

Review and provide feedback on the new Community Garden Guidelines.

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Item 7  
Monthly Update Reports

# Director's Update

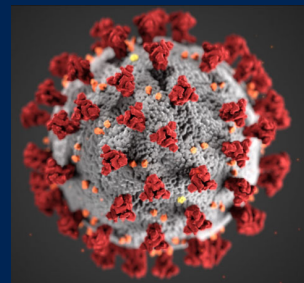
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## COVID Updates

- February 17 – Free COVID testing
  - Cupertino Senior Center
  - 9:30 a.m. to 3:45 p.m.
  - By appointment
  - [sccfreetest.org](https://sccfreetest.org)



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## COVID Updates

- Stay at Home Order lifted
  - As of January 25
- Remains in Purple Tier
  - Outdoor gatherings allowed, limited to three households
- Fields open
  - Also limited to three households
  - Youth Sports Organizations Spring Permits

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## COVID Updates



### Cupertino Playgrounds

The maximum number of children allowed at this playground is **10**

Please remain in the designated waiting area if the maximum playground occupancy has been reached.

**Play It Safe**

Due to the ongoing spread of COVID-19 in our communities, please follow these simple steps to help keep our outdoor playgrounds safe, open and fun.

- ✓ **WEAR A FACE COVERING**  
Everyone two years and older should wear a face covering.
- ✓ **MAINTAIN DISTANCE**  
Maintain physical distance of six feet between individuals from different households and prevent crowding of children.
- ✓ **NO FOOD OR DRINK**  
Do not eat or drink in playground to ensure face masks are worn at all times.
- ✓ **WASH HANDS**  
Wash or sanitize your hands before and after play.
- ✓ **PLAN AHEAD**  
Visit the park at different times or days to avoid crowds and waits.
- ✓ **KNOW WHEN TO STAY HOME**  
Elderly individuals and people with underlying medical conditions should avoid playgrounds when others are present.
- ✓ **SHARE OUR SPACE**  
To avoid crowding and allow everyone to use the space, please limit your visit to 30 minutes when others are waiting.



Visit [CUPERTINO.CA.GOV](https://www.cupertino.gov) for more information.

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COVID Updates - Programs	
Activities/Programs	Participation Numbers
Sports Center Tennis Courts	1492 Average Participants per Week
Blackberry Farm Golf Course	617 Average Participants per Week
Free Virtual Exercise Classes	265 Average Attendees per Week
Fee-Based Virtual Exercise Classes	98 Currently Enrolled
Lifetime Classes/Camps/Private Lessons/etc.	427 Currently Enrolled

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General Update	
Department Retirements	
	
Kim Frey	Barbara Banfield

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## General Updates

- Blackberry Farm
  - Picnic area registration now open for 2021 summer season
  - [cupertino.org/blackberryfarm](https://cupertino.org/blackberryfarm)



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## General Updates

### Sports Center Seismic Retrofit

- Project is nearing completion
- Stevens Creek Boulevard vehicle entrance is now accessible
- Staff have transitioned back to the main building
- Indoor facilities still closed to the public



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## General Updates

### Farmer's Market Update

- January 19 City Council Meeting
- Pacific Coast Farmer's Market Association (PCFMA) to use Creekside Park north parking lot weekly on Fridays
- West Coast Farmer's Market Association (WCFMA) to temporarily use Senior Center/Memorial Park parking lot weekly on Sundays

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## General Updates

### McClellan Ranch Community Garden Update

- Increased construction contingency budget from \$64,930 to \$280,530
- Allows for contractor to build garden beds



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## General Updates

### Teen Programming

- Infoteeno: Making Good Money Decisions
  - January 24
  - 57 teens registered
- Drafting Cupertino's Future Essay Contest
  - Due Date is February 10
- Kindness Week
  - YAB
  - February 15 to 19

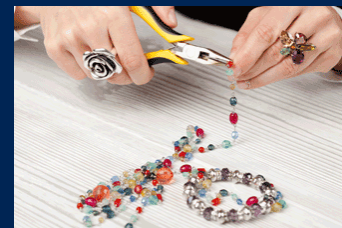


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## General Updates

### New Programs

- Activity Box
- Beading
- Chinese Calligraphy
- Register online at [reg4rec.org](http://reg4rec.org)



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## General Updates

### Virtual Recreation Website Update

- Weekly themed ideas, activities and programs
- This week's theme is:



- [cupertino.org/virtualrecreation](http://cupertino.org/virtualrecreation)

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## Director's Update

February 4, 2021



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