

**From:** [Sudha Kasamsetty](#)  
**To:** [Kirsten Squarcia](#)  
**Subject:** Re: 11/30/20 Joint commission meeting - Agenda and Draft Commissioner's Handbook attached  
**Date:** Thursday, November 26, 2020 11:31:26 AM  
**Attachments:** [image001.png](#)  
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[image004.png](#)  
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[image006.png](#)  
[image007.png](#)  
[image008.png](#)

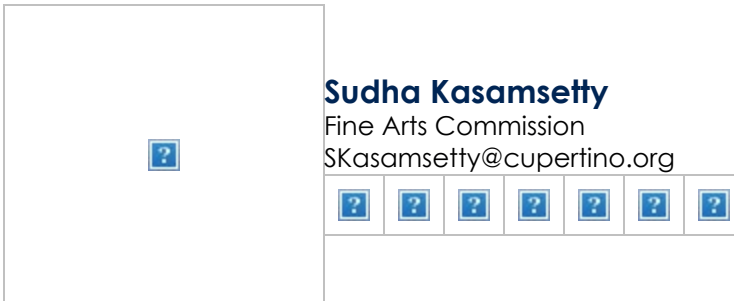
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Thank you Kristen for the info. Looks good and I won't be able to attend the meeting. Letting you know in advance.

Happy Thnxgiving to you and your family.

Sudha kasamsetty

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**From:** Kirsten Squarcia <KirstenS@cupertino.org>  
**Sent:** Wednesday, November 25, 2020 4:17:49 PM  
**Cc:** City Clerk <CityClerk@cupertino.org>; Katy Nomura <KatyN@cupertino.org>; Astrid Robles <AstridR@cupertino.org>; Dianne Thompson <diannet@cupertino.org>; Ashley Sanks <ashleys@cupertino.org>; City Channel <CityChannel2@cupertino.org>  
**Subject:** RE: 11/30/20 Joint commission meeting - Agenda and Draft Commissioner's Handbook attached

Dear Commissioners (Bcc'd on this email),

Attached is the 11/30/20 Special Joint Commissions Agenda and Draft Commissioner's Handbook for your review. You may send your input in advance to [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org). Comments received prior to the meeting will be read aloud during the meeting and posted to the City's website after the meeting. In compliance with the Brown Act, any input received after the open meeting session will not be considered or included in the public record. If you are unable to attend or intend to email your comments in advance, be sure to email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org) before the comment period has concluded on Monday night. Feel free to email the Clerk's Office with any questions about this process.

Regards, Kirsten

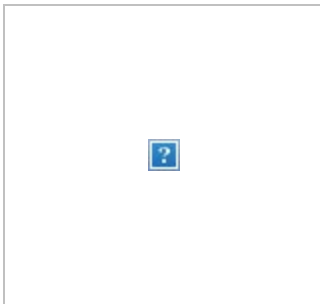
**From:** [Lakshminarasimha Ankireddipally](#)  
**To:** [City Clerk](#)  
**Subject:** Clarification/Question - Re COMMISSIONER'S HANDBOOK  
**Date:** Sunday, November 29, 2020 8:57:09 PM

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Hi

The section C and D under the title "THE STRUCTURE OF GOVERNMENT" in the handbook covers the role of City Manager and City Clerk respectively. The corresponding description, however, does not cover the tenure of these roles. May be helpful to provide that information.

thanks



**Lakshminarasimha Ankireddipally**

Public Safety Commissioner

LAnkireddipally@cupertino.org



**From:** [Connie Cunningham](#)  
**To:** [City Clerk](#)  
**Subject:** Comments/Questions for Draft Commissioners Handbook; meeting Monday Nov 30  
**Date:** Sunday, November 29, 2020 5:54:45 PM

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Hello Kirsten, Your email says that our input will be read during the meeting, but I was wondering how that would work. I have several comments about organization of the document, plus a couple about missing signatures on some attached documents and so forth. Other, substantive questions are numerous, too.

Will Commissioners have the opportunity to speak at the meeting? It seems that time would be limited, so I can choose the ones I consider most important to discuss. However, I am interested in answers to all of them.

Sincerely, Connie

2020-11-28 Draft Commissioner's Handbook comments

Comments 1-3 are comments about the organization of the document to make it easier to discuss or reference if referring to it.

Comments 4-16 are about specific items in the Draft Handbook.

1. Comment #1. The numbering system and organization is difficult to follow. The Table of Contents should provide the same numbering and organization as the document. The overall title of the chapter should be part of the numbering system for easy reference when discussing the topic. Otherwise, the subparagraphs A, B etc. are confusing. Page numbers are very good for easy access from the Table of Contents.

Suggestion:

I. Structure of Government

- A. Form of Government
- B. City Council
- C. City Manager and Staff
- D. Commissions

II. Commission Membership

1. Quorum and Attendance
2. Vacancies
3. Resignations and Removals

III. Meetings

1. Regular Meetings
2. Adjourned Meetings
3. Special Meetings

4. Subcommittees
5. Agendas
6. Preparation for Meetings
7. Minutes
8. Procedure
9. Decorum at Meetings
10. Basis for your Decision

#### IV. City Work Program

#### V. Communications

- A. Staying Informed
- B. Use of City Email

#### VI. Resources

2. Comment #2. Intentionally deleted.
3. Comment #3. A separate list of referenced documents would be good with the page number where they can be found in the document. Ex: Brown Act, Page 7 for ease of reference. The Resources listed on page 10 of the Draft Commissioner's Handbook does not show all of those referenced throughout the Handbook, such as Social Media Policy, Page 9
4. Comment #4. It would be useful to state what has been changed or added from the previous Commissioner's Handbook.

Question #5. Commissions, Page 5 indicates that the Chair should protect commissioners, staff and the public from personal attacks. What techniques can be employed other than reprimanding the person. Can security be easily called to escort someone from a meeting who refuses to follow instructions? I ask this because housing can be an emotional subject, and people have been known to go on tirades or for other audience members to clap or be aggressive. The Housing Element will become a focus as we move into the RHNA discussions and possible changes to the General Plan. The Planning Commission would likely have the most problems, although the Housing Commission could have some, too.

Question #6. Commissions, Page 5, talks about "periodic written updates...at least every six months." Is this the same as the six-month report on Page 9 under the topic of City Work Program? (Commission Terms start in Jan/Feb) Perhaps the two requirements could be discussed in the same place, to avoid confusion. Or perhaps, made into just one requirement.

Q: Who prepares this/these reports? Staff Liaison or Chair?

Q: Are there any requirements re: length, format

Question #7: Page 6, Please define Adjourned meetings in this topic. How is that different from a Special meeting?

Question #8: Page 7, Subcommittees. This does not mention needing City Council approval. However, Housing Commission had discussion last year about the amount of staff time, etc. for subcommittees, when it was considering a possible subcommittee. It would be good to address that here. Some subcommittees were OK without approval; others needed approval. The concerns revolved around budget and staff time.

GOOD IDEA: Comment #9, Page 7, Subparagraph E. Agendas—Very good clarification on setting future agendas by adding a standing item to the Agenda. Also, Very good to have an agenda item for Staff Updates and Commissioner Activity Report.

Question #10, Page 8, Subparagraph G, Minutes—What is the difference between summary minutes and action minutes? Our Commission uses action minutes, so need to understand this difference.

Question #11, Page 8, Subparagraph I, Decorum at Meetings. The City of Cupertino Ethics Policy is not dated or signed. How do we know it is current? Also, the last sentence on page 2 is incomplete.

Question #. 12, Page 9, City Work Program—Is this the same process that was set up in 2019?

Question #13. Page 9, City Work Program states that an annual report is due on August 15 of all the topics the commission has addressed.

Q: Is this the same as the six-month report required on page 5 under Commissions (Question #6 above)? Perhaps the two requirements could be discussed in the same place, to avoid confusion.

Q: Who prepares this/these reports? Staff Liaison or Chair?

Q: Are there any requirements re: length, format

Question #14. Page 9, Communications: Staying Informed. Although the Social Media Policy is dated, it is not signed.

Question #15. Page 10, Use of City Email. Although the Technology Use Policy is dated, the Citywide Policy Manual says Policy TBD. There is no signature page of person authorizing the form.

Question #16, Page 10, Resources

Commission Resources folder: It would be useful for the reference to the Commission

Resources Folder to be clear what the difference is between Ethics and Imposed Restraints. Also, is the order of topics important? The folder documents are alphabetical, but the paragraph introducing the topic seems to mention the documents randomly.

Imposed Restraints: is not signed or dated

I bring up this point of dated and signed documents because some are dated and signed, and some are not. Important to know how the documents relate to the rest of the documents that we are to follow.

Thank you for your attention to these questions.

Connie



**Connie Cunningham**

Housing Commissioner

CCunningham@cupertino.org



**From:** [David Fung](#)  
**To:** [Kirsten Squarcia](#); [Katy Nomura](#); [Astrid Robles](#); [City Clerk](#); [City Council](#)  
**Subject:** Comments for 11/30/2020 Joint Commission Meeting - Fung / Planning Commission  
**Date:** Sunday, November 29, 2020 6:44:55 PM

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Dear City Clerk Squarcia:

I have enclosed written comments for the 11/30/2020 Joint Commission Meeting. I serve as a Co-President of the FUHSD Citizens' Oversight Committee which is having a regular meeting at the same time. Per your email on 11/25, please read my comments below in the public record and include this message in the published meeting communications.

Thank you!

David Fung  
Planning Commission, 2017-2021  
Parks & Recreation Commission, 2011-2017

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#### Comments on Draft Commissioner Handbook – 11/29/2020

1. Section: p4 – City Manager & Staff

Recommendation: Include City Attorney in this section

Detail: Previous editions of the Commissioner Handbook included a callout of the City Attorney/CAO as an important role, and this should be added in the new version. Only the City Manager and City Attorney are direct employees of the Council which lead to special rules and responsibilities for interactions with the Commissioners. The Planning Commission is the only commission to regularly have a member of the CAO in attendance, but the CAO provides overview and advice for ALL commissions, particularly on proposed actions, and conflict of interest.

The operation of the City Attorney's office has been regularly misunderstood and misinterpreted publicly in the past by the Commissioners and public. It is beneficial to make sure the City Attorney's role is clear in all communications by the City.

2. Section: p5 – Role of Commissioners

Recommendation – improve text about consensus decision making

Detail: The power of Commissions comes from the consensus of its members, not from the individual commissioners. This should be made clearer in the text – after a hearing is held and a decision made, the official decision of the Commission follows the outcome of the vote with the prior positions set aside.

However, having participated in this decision, the Commissioners do NOT lose their First

Amendment right to express their opinion AS AN INDIVIDUAL CITIZEN and not in an official capacity, which would include commenting on their personal views of an issue before the Council, provided that they make it clear that this is a personal rather than official opinion. The Draft Handbook includes this text, which should be reviewed for legality: “This underlying philosophy makes it improper for an individual commission to try to persuade the Council into acceptance of a recommendation other than that vote by the majority of the commission”. I believe this specific text should be struck.

3. Section: p5 – Role of the Chair

Recommendation: Clarify responsibilities of the Chair, in accordance with Rosenberg’s Rules of Order

Detail: The list of roles for a Commission Chair is missing the most critical specific responsibility – to encourage a **neutral** discussion in public hearings, so that the Commissioners and public can be assured that their opinions are heard fairly and without bias, especially when dealing with divisive issues and strong opinions. This means that the Chair should try to speak last in deliberation and debate, and allow the other Commissioners to make and second motions. Half of the discussion about the role of the Chair in *Rosenberg’s Rules of Order* is dedicated to this topic, including balancing the Chair’s role as facilitator with their role as an equal member of the commission. This was completely missed in the Draft Handbook text. This is an area of improvement needed in the last two years on the Planning Commission.

4. Section: p6 – Resignations and Removals

Recommendation: add “residency” to the explicit requirements listed

Detail: Most commission qualifications include a residency requirement (Planning Commission requires voter registration as well). It would be good to reflect this in the list of reasons for vacating a commission seat, as this has been one of common reasons for resignation in the past.

5. Section: N/A

Recommendation: Add discussion of “legislative” vs. “quasi-judicial” hearings

Detail: Only the Planning Commission is delegated final decision authority on a limited number of activities, but many commissions may have to hold hearings in which “quasi-judicial” rules apply, specifically, that the commission is called upon to judge whether a specific proposal is consistent with existing laws. This is a very different standard than “legislative” decision making which can be subjective and would apply to future proposals. Quasi-judicial hearings can easily arise in Parks & Recreation when reviewing facilities proposals that are part of a project approval (the park at Main Street), or in the TIC Committee related to cellular facility applications. This should be added into the Handbook text.

**David Fung**  
Planning Commissioner  
DFung@cupertino.org





**From:** [Carol Stanek](#)  
**To:** [Kirsten Squarcia](#)  
**Subject:** Re: 11/30/20 Joint commission meeting - Reminder and meeting logistics  
**Date:** Monday, November 30, 2020 3:07:00 PM  
**Attachments:** [image002.png](#)  
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[image007.png](#)  
[image008.png](#)  
[image024.png](#)

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Hi Kirsten,

Not sure if I'll be able to stay in the meeting long enough to provide input so here are some of my thoughts.

1) On page 5, under Chair responsibilities, there is a bullet that says:

- Provide periodic written updates, approved by the full body, to Council regarding the status of their activities at least every six months.

Then on page 9, under City Work Program, the last sentence reads:

"By August 15, each commission should provide an annual report of all of the topics the commission has addressed in the prior year. "

Are the two written updates in addition to the August 15 update or is that considered one of the updates? If these are just written updates, it seems to me that there is no opportunity for the Council to get clarification on the topics or provide additional guidance to the commission on the topics. This interaction has historically been a useful occasion when once a year at least the P&R Commission would present directly to the Council. It seems that the opportunity for direct feedback and clarification for the Council is not covered.

2) One of the stated goals for the rewrite of the Handbook was for improved readability. The last sentence under Future Agenda Setting on Page 7 should be rewritten for clarification. The sentence currently reads:

"Once an item is added to the future agenda item list, it cannot be removed until it is discussed for removal at a regularly scheduled meeting during the item for "Future Agenda Setting," and no more than one commissioner (other than the Chair) wishes for the item to remain on the future agenda item list. "

I would suggest putting these two ideas into separate sentences:

"Once an item is added to the future agenda item list, it cannot be removed until it is discussed for removal at a regularly scheduled meeting during the item for "Future Agenda Setting,". In addition, the item will not be removed if the Chair

or at least two other commissioners wish for the item to remain on the future agenda item list."

Hope that helps.

Carol Stanek



**Carol Stanek**

Park and Recreation Commissioner  
cstanek@cupertino.org



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**From:** Kirsten Squarcia <KirstenS@cupertino.org>

**Sent:** Monday, November 30, 2020 12:42 PM

**Cc:** City Clerk <CityClerk@cupertino.org>; Katy Nomura <KatyN@cupertino.org>; Astrid Robles <AstridR@cupertino.org>; Dianne Thompson <diannet@cupertino.org>; Ashley Sanks <ashleys@cupertino.org>; City Channel <CityChannel2@cupertino.org>

**Subject:** RE: 11/30/20 Joint commission meeting - Reminder and meeting logistics

Dear Commissioners (Bcc'd on this email),

I am sending a reminder for tonight's joint commission meeting as well as some logistical remarks.

Thank you for the Commissioner emails that have been received thus far.

- Tonight's meeting will be hosted by City staff.
- No, quorum is required and no roll call will be taken.
- No action will be taken, only input received.
- Please use the below link to attend. This is the same link listed in the published agenda.
- Comments from the public will be heard first and then Commissioners.
- Your comments will be evaluated by staff for a final draft handbook to be approved by the City Council.

Please click the link below to register and join the webinar:

[https://cityofcupertino.zoom.us/webinar/register/WN\\_jhf3Xb4qRUiUeTKyrgQKhQ](https://cityofcupertino.zoom.us/webinar/register/WN_jhf3Xb4qRUiUeTKyrgQKhQ)

Regards, Kirsten

**Kirsten Squarcia**

City Clerk  
City Manager's Office  
KirstenS@cupertino.org  
(408) 777-3225

**From:** [Liana Crabtree](#)  
**To:** [Kirsten Squarcia](#)  
**Cc:** [City Clerk](#); [Katy Nomura](#); [Astrid Robles](#); [Dianne Thompson](#); [Ashley Sanks](#); [City Channel](#)  
**Subject:** questions and written comment: 11/30/20 Joint commission meeting - Agenda and Draft Commissioner's Handbook attached  
**Date:** Monday, November 30, 2020 10:50:39 AM  
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Dear Office of the City Clerk:

It seems like it may be difficult for people who are not commissioners to discover tonight's all-commissioner meeting.

The meeting is announced on the home page of the City's website, but for now, the meeting details are missing:

<https://www.cupertino.org/Home/Components/Calendar/Event/14352/19?backlist=%2fhome>

I did find the meeting by sorting the meeting calendar using "all meetings" then sorting by descending date, but I persisted with the calendar search because I was already aware that a meeting agenda existed.

Also, from the agenda, I cannot determine who is responsible for running the all-commissioner meeting. Who presides?

#### WRITTEN COMMENT

For the purposes of written comment, I hope that there is an opportunity to discuss this item from the draft commissioner's handbook:

"...B. Use of City Email

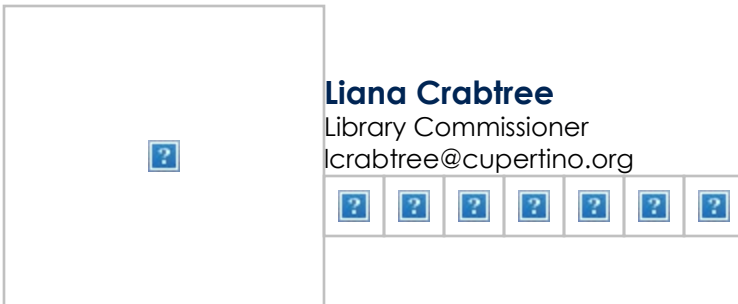
...Please do not forward or reply to a City email from your personal email address...." PDF p 10

If a commissioner receives an announcement for a meeting, such as tonight's all-commissioner meeting, that the commissioner believes may be of interest to others who are not included in the distribution list, what are acceptable means for sharing the meeting announcement if forwarding city communication is discouraged or forbidden? Is it acceptable to forward the communications to individual residents and encourage them to share the information, if helpful?

Also, what is the acceptable response when a commissioner sends public comment using personal email to an item outside the purview of the commission they serve and as a resident, but then receives a reply to their city email from staff, electeds, or others? Is it acceptable for residents who serve as commissioners to reply from the city email but cc their personal email so they can maintain a record of their non-commission-related communication?

All the best,

Liana Crabtree



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**From:** Kirsten Squarcia <KirstenS@cupertino.org>  
**Sent:** Wednesday, November 25, 2020 4:17 PM  
**Cc:** City Clerk <CityClerk@cupertino.org>; Katy Nomura <KatyN@cupertino.org>; Astrid Robles <AstridR@cupertino.org>; Dianne Thompson <diannet@cupertino.org>; Ashley Sanks <ashleys@cupertino.org>; City Channel <CityChannel2@cupertino.org>  
**Subject:** RE: 11/30/20 Joint commission meeting - Agenda and Draft Commissioner's Handbook attached

Dear Commissioners (Bcc'd on this email),  
Attached is the 11/30/20 Special Joint Commissions Agenda and Draft Commissioner's Handbook for your review. You may send your input in advance to [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org). Comments received prior to the meeting will be read aloud during the meeting and posted to the City's website after the meeting. In compliance with the Brown Act, any input received after the open meeting session will not be considered or included in the public record. If you are unable to attend or intend to email your comments in advance, be sure to email [cityclerk@cupertino.org](mailto:cityclerk@cupertino.org) before the comment period has concluded on Monday night. Feel free to email the Clerk's Office with any questions about this process.

Regards, Kirsten

**Kirsten Squarcia**  
City Clerk  
City Manager's Office  
KirstenS@cupertino.org  
(408) 777-3225



**From:** Kirsten Squarcia

**Sent:** Friday, November 13, 2020 8:05 PM

**Cc:** City Clerk <CityClerk@cupertino.org>; Katy Nomura <KatyN@cupertino.org>; Astrid Robles <AstridR@cupertino.org>

**Subject:** 11/30/20 Joint commission meeting - Input on updated Commissioner's Handbook

Dear Commissioners (Bcc'd on this email),

Your feedback will soon be requested as we make changes to update the Commissioner's Handbook. The Handbook is provided to each Commissioner at the time of appointment to use as a guide to the roles and responsibilities of serving on the City's advisory boards. Updates will include incorporating recommendations adopted by the City Council as well as simplifying and improving readability. You will have an opportunity to provide input at a publicly noticed joint commission meeting beginning at 6:00 p.m. on Monday, November 30. A newly updated draft for your review will be provided in a forthcoming published agenda. You will have the option to email your comments if you are unable to attend the teleconference meeting.

Regards, Kirsten



**Kirsten Squarcia**

City Clerk

City Manager's Office/City Clerk's Office

[KirstenS@Cupertino.org](mailto:KirstenS@Cupertino.org)

(408) 777-3225



**From:** [Tessa Parish](#)  
**To:** [City Clerk](#)  
**Cc:** [City Council](#)  
**Subject:** feedback re commission manual  
**Date:** Monday, November 30, 2020 3:57:21 PM

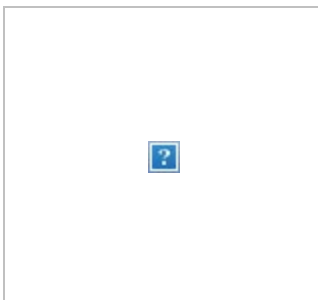
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Thank you for your review and re-writing of the commission manual. These are my comments:

1. re: **City Clerk:** this section does not mention the very important job the clerk has in receiving and managing email communication to and from the public: a) Records request go through the City Clerk. For the purposes of transparency, I'd like to suggest an archive of record requests with the following information: key words used to create the search & result of the search in an easy to access library or archive for the public to access.  
b) some of the City Clerk's actions have legal consequences. I'd like to suggest that where there are legal consequences such as a referendum or State mandate/compliance issue, that it be reviewed by an attorney. (If this is not already part of the job description.) I realize this is not a full job description but I feel the managing of communication is an important element that could be included in the manual as well as an archive to facilitate our job.
2. re: "Commissioners are free to meet or refuse to meet with residents, resident groups, developers or prospective contractors or any persons outside of the public meeting process concerning issues before the commission."

I'd like to suggest changing this to include "issues before or of interest to the commission" as in the case where a commissioner would like to speak to an Org regarding benefits such as grants or programs that might be of benefit to the commission for the purposes of acquiring information ONLY"

Best Regards,



**Tessa Parish**

Housing Commissioner  
TParish@cupertino.org







## Kirsten Squarcia

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**From:** Eno Schmidt  
**Sent:** Monday, November 30, 2020 1:54 PM  
**To:** City Clerk  
**Subject:** Advance Input on Draft Commissioner's Handbook

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

After reviewing the Draft Commissioner's Handbook and considering certain changes in the Audit Committee meetings over an annual period that likely would result from adoption of the Draft, it is my view that the Draft Handbook achieves the goals of simplification, improved readability and user-friendliness. Thanks for including the participation of Commissioners in this process.



**Eno Schmidt**

Audit Committee  
eschmidt@cupertino.org



**From:** [Connie Cunningham](#)  
**To:** [Kirsten Squarcia](#)  
**Subject:** Re: 11/30/20 Joint commission meeting - Reminder and meeting logistics  
**Date:** Monday, November 30, 2020 4:11:13 PM  
**Attachments:** [image001.png](#)  
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Hi Kirsten, I plan to speak this evening, and have provided this email for the purpose of the written record. You do not need to read it. Thanks! Connie

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Good Evening, City Staff and Commissioners,  
I am Connie Cunningham, Vice-Chair Housing Commission  
I hope everyone had a good Thanksgiving last week.

Thank you for the time to make comments this evening. Thank you for the work that went into preparing a fully revised version of the Commissioners Handbook. I made several comments on organization and structure of the Handbook that I have submitted separately. I have four points that I would like to make tonight.

GOOD IDEAS: Comment #9, Page 7, Subparagraph E. Agendas—Very good clarification on setting future agendas by adding a standing item to the Agenda. Also, Very good to have an agenda item for Staff Updates and Commissioner Activity Report.

-----  
Paragraph on Commissions, Page 5, talks about "periodic written updates...at least every six months." There is, also, a six-month report mentioned on Page 9 under the topic of City Work Program.

Having reports over and above the summary or action minutes for each meeting adds more non-productive work for Commissions and the Staff Liaison with little added utility. Meeting agendas are full. Time is limited. An added action item to review a report would reduce time available for work.

Q: What is the purpose of these reports? Q: Who is the audience? Q: Who prepares them? Staff Liaison or Chair? Q: Are there any requirements re: length, format, content  
**Recommend: Use meeting minutes to capture information needed.**

-----  
Commissions, Page 5 indicates that the Chair should protect commissioners, staff and the public from personal attacks. This is more difficult for in-person meetings than Virtual meetings, of course.

What techniques can be employed other than reprimanding the person. Can security be easily called to escort someone from a meeting who refuses to follow instructions? I ask this because housing can be an emotional subject, and people have been known to go on tirades or for audience members to clap or be aggressive. The Housing Element will become a focus as we move into the RHNA discussions and possible changes to the General Plan. The Planning Commission would likely have the most problems, although the Housing Commission could have some, too.

**Recommendation: Training on techniques to control difficult meetings to be provided to Commissioners.**

-----  
Question #8: Page 7, Subcommittees. This paragraph does not mention needing City Council approval for subcommittees. However, Housing Commission had discussion last year about the amount of staff time, etc. for subcommittees, when it was considering a possible subcommittee. Some subcommittees were OK without approval; others needed approval. The

concerns revolved around budget and staff time.

**Recommendation:** Address whether Council approval for subcommittees will be necessary and for what reasons.



**Connie Cunningham**

Housing Commissioner

CCunningham@cupertino.org





