



## **CITY MANAGER'S OFFICE**

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## **CITY COUNCIL STAFF REPORT**

Meeting: December 7, 2021

### **Subject**

Consider information on Commissions and Committees in Cupertino and Other Cities

### **Recommended Action**

Review analysis of commissions and committees in Cupertino and in other cities, and provide direction to staff

### **Background**

As part of the FY 2019-2020 City Work Program, the City Council requested that staff explore the possibility of creating additional commissions or committees to address Cupertino's needs. The City Council specified the City's need to address traffic and transportation as well as economic development. As part of the FY 2021-2022 City Work Program, the City Council requested that staff also consider the City's need to further support the senior community.

In addition, as part of the FY 20-21 Council requested a review of the scope of the Environmental Review Committee. The FY 21-22 City Work Program also includes the development of charters for the Fiscal Strategy and Economic Development Committees as well as a name change for the Fine Arts Commission.

When the Interim City Manager was hired, the Council also asked that he review the City's use of committees and commissions.

The City Council has created a total of ten commissions plus the Design Review Committee, which is a standing subcommittee of the Planning Commission. The primary role of commissions is to advise the City Council in the formation of policy by weighing public input and examining issues to render a recommendation to the Council. The following table summarizes the City's commissions and Design Review Committee with brief descriptions of their community priority areas.

<b>Commission</b>	<b>Summary Description</b>
Bicycle Pedestrian Commission	Advises Council on transportation matters within Cupertino including bicycle and pedestrian traffic, parking, education, and recreation.
Fine Arts Commission	Advises Council and encourages the realization, preservation, and advancement of fine arts for the benefit of the citizens of Cupertino.
Housing Commission	Advises Council on housing policies and strategies, affordable housing projects, and sources of funding for affordable housing.
Library Commission	Advises Council regarding library service in the community and serves as liaison between the City and the Santa Clara County Library JPA.
Parks & Recreation Commission	Advises Council on parks and recreation related activities, including park site acquisition and development, community activities, and recreation policies.
Planning Commission	Advises Council on land use matters such as specific and general plans, zonings, and subdivisions. Reviews other matters as specified by City ordinances or Title VII of the Government Code of California.
- Design Review Committee	A subcommittee of the Planning Commission that reviews aspects of site and architectural design.
Public Safety Commission	Advises Council on areas relating to public safety, traffic, police, fire and other areas where public safety may be of concern.
Sustainability Commission	Advises Council on major policy areas related to the environmental goals in Cupertino's Climate Action Plan and General Plan's Environmental Resources/Sustainability Element.
Teen Commission	Advises Council and staff on issues and projects important to youth in the Cupertino community.

Technology, Information, & Communications Commission (TICC)	Advises Council on all matters relating to telecommunications in Cupertino and provides support for community access television.
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Currently, the City has six standing committees. These committees are subject to the Brown Act and are subcommittees of the City Council where one or two councilmembers are assigned as members, along with members from the public or staff. The purpose of committees is generally to review specific topics affecting the City and to take action as delegated by the City Council. However, the Municipal Code prohibits the City Council from delegating the Council's oversight of City operations through the City Manager to any individual Council member or committee. The following table summarizes the City's committees with brief descriptions of their priority areas.

Committee	Summary Description
Audit Committee	Reviews external and internal audit reports, monthly treasurer's report, and city investment policies. Recommends appointment of external and internal auditors and recommends a budget format.
Disaster Council	Supports the City's emergency management and preparedness responsibilities.
Economic Development Committee	Enhances and promotes a strong local economy to provide municipal services that businesses and residents desire and need to maintain the community's quality of life.
Environmental Review Committee	Evaluates the initial study of a proposed project to determine whether the project may or may not have a significant effect on the environment.
Fiscal Strategic Plan Committee	Confers, strategizes, and plans for current as well as future activities that have a fiscal impact on the City.
Legislative Review Committee	Makes recommendations on legislative advocacy issues and authorizes position letters for legislation that aligns with the City's Council-approved Legislative Platform <sup>1</sup> .

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<sup>1</sup> <https://www.cupertino.org/home/showpublisheddocument/28918/637490661079970000>

The scopes of these commissions and committees can be viewed in Attachment C, except for the Economic Development and Fiscal Strategic committees as the charters for those committees will be developed following this Council discussion.

### **Discussion**

In addition to reviewing Cupertino's current commissions and committees, the commissions and committees in 13 other cities in Santa Clara County were also reviewed (Attachments A and B). While cities may use varying terminology, bodies that included members of the public to advise Council were included as commissions for the purposes of this analysis. Long-standing, active bodies that are not categorized as commissions and include members of Council were included as committees in this report.

The following table shows that only Mountain View has more commissions and committees than Cupertino. The table also includes each cities' full-time employee count, excluding police and fire departments, and its overall population for comparison.

Commissions and Committees in Other Cities

City	# of commissions and committees	Population	FTE*
Mountain View	19	82,272	253
Cupertino	17	66,762	198
Milpitas	17	84,196	230
Los Altos Hills	16	8,300	26
Los Altos	15	31,190	95
Palo Alto	14	67,019	711
Santa Clara	14	128,717	530
Gilroy	11	58,756	138
Campbell	11	42,288	104
Sunnyvale	11	156,503	735
Los Gatos	9	31,439	90
Saratoga	9	31,030	57
Morgan Hill	4	45,742	123
Monte Sereno	3	3,492	7

\* Excluding Fire and Police Departments

On average, cities have 12 commissions and committees. Cupertino has a large number of commissions and committees, especially when considering its population size in comparison to neighboring cities. For a breakdown of the topics of each commission and committee, see Attachments A and B respectively.

### Commissions in Other Cities

Of the 13 other cities reviewed, the most common commissions were related to planning, parks and recreation, transportation, youth, libraries, and the arts. Ten of the cities surveyed, including Cupertino, have a commission for each of these topics. Aside from Cupertino, only two other cities have a housing commission and public safety related commission. Cupertino and Milpitas are currently the only cities with a technology related commission.

The below table shows that there are only two cities, Los Altos Hills and Milpitas, with more commissions than Cupertino, while Gilroy and Los Altos have the same number as Cupertino.

Commissions in Other Cities

City	# of commissions	Population	FTE*
Los Altos Hills	15	8,300	26
Milpitas	12	84,196	230
Cupertino	11	66,762	198
Gilroy	11	58,756	138
Los Altos	11	31,190	95
Mountain View	10	82,272	253
Palo Alto	9	67,019	711
Santa Clara	9	128,717	530
Sunnyvale	9	156,503	735
Los Gatos	8	31,439	90
Saratoga	7	31,030	57
Campbell	6	42,288	104
Monte Sereno	3	3,492	7
Morgan Hill	3	45,742	123

\* Excluding Fire and Police Departments

The average number of commissions among the cities surveyed was nine. Palo Alto, Sunnyvale, and Santa Clara all have nine commissions despite having the largest populations and full-time employee counts. Los Altos Hills has an unusually large number of commissions and is only able to maintain them by having the commissioners manage their own meetings, agendas, and minutes without staff liaisons. As a result, not all commissions have up-to-date records and minutes. In addition, Los Altos Hills and Los Altos share the Senior and Library Commissions but they are still reflected in both cities' totals.

### Committees in Other Cities

The following table shows that only Mountain View has more committees than Cupertino. In general, committees tend to be specific and unique to the corresponding city, such as for specific community events, local school districts, and railroads. Some of

the most common committees include finance and audit committees, disaster councils, and economic development committees. Cupertino currently has all of the most common committees compared to the other cities reviewed in this report.

### Committees in Other Cities

City	# of Committees	Population	FTE*
Mountain View	9	82,272	253
Cupertino	6	66,762	198
Milpitas	5	84,196	230
Palo Alto	5	67,019	711
Santa Clara	5	128,717	530
Campbell	5	42,288	104
Los Altos	4	31,190	95
Sunnyvale	2	156,503	735
Saratoga	2	31,030	57
Los Gatos	1	31,439	90
Los Altos Hills	1	8,300	26
Morgan Hill	1	45,742	123
Gilroy	0	58,756	138
Monte Sereno	0	3,492	7

\* Excluding Fire and Police Departments

### Commission Membership Requirements

Currently, commissioners are generally required to be residents of Cupertino. There are some exceptions when the commissioner is a business representative or provides a certain area of expertise. However, for the Planning Commission and TICC, the resident requirement is stated as a requirement that members be qualified electors. A qualified elector is someone who is eligible to vote in Cupertino, meaning they are at least 18 years of age, live in Cupertino, and are a US citizen. The remaining commissions only refer to a residency requirement. Staff needs policy direction from the City Council on whether the qualified elector requirement should be changed to a residency requirement for consistency. Once direction is received, a municipal code amendment will be brought for the City Council's consideration if a change is required.

### Traffic and Transportation

In 2017 and 2019 respectively, Los Altos and Los Gatos expanded their bicycle and pedestrian related commissions to Complete Streets Commissions to include other traffic and transportation related issues. The purpose of the complete streets commissions is to create multi-modal transportation solutions for all commuters. On June 2, 2020, it was proposed to the City Council that Cupertino's Bicycle Pedestrian Commission be expanded to a Complete Streets Commission. However, the proposal failed, and the Bicycle Pedestrian Commission remained unchanged. No other city surveyed has both a

bicycle pedestrian related commission and a transportation commission. However, Saratoga does have both a traffic safety and a trails related commission. In its current capacity, the Cupertino Bicycle Pedestrian Commission regularly addresses topics that relate to Complete Streets and multiple modes, as the various modes often affect one another and must be considered holistically.

#### Senior Commission/Senior Advisory Council

Of the 13 cities surveyed, six cities have a senior related commission, with Los Altos Hills and Los Altos sharing their Senior Commission. In Los Gatos, the Community Health and Senior Services Commission is more focused on community and human services in general and is not specifically addressing the senior community. The City of Cupertino had a Senior Commission previously; however, in 2009, the commission and the City Council agreed to dissolve it as there were significant overlapping functions with the Senior Advisory Council (SAC). The SAC has four Board Members and 15 committee members, which meet every other month. Currently, the SAC discusses programs at the Senior Center and receives updates on community group activities. They address any issues or topics involving senior citizens such as Age Friendly Cities. Staff estimates that the Advisory Council requires about 3.5 hours of staff time a month.

At the November 20, 2018 City Council meeting, the City Council revisited the idea of reinstating a senior commission and ultimately decided to continue the City's partnership with the SAC with an addition to request the SAC to provide quarterly updates to the Parks and Recreation Commission.

Given that the Advisory Council requires minimal staff time with costs incorporated into the Senior Center program, staff has evaluated that the Senior Advisory Council is operating efficiently and does not require a new Senior Commission to be formed.

#### Housing Commission

In November 2020, Vice Mayor Chao and former Mayor Scharf expressed a desire to expand the scope of the Housing Commission to include social services. This is not recommended because the City does not have a social services component. The County of Santa Clara Social Services Agency and the Office of Supportive Housing provides social services to residents of Cupertino. Regional social services providers, such as West Valley Community Services also provide these services to Cupertino.

The City's Housing and Human Services Grants program provides approximately \$550,000 annually in grant funding directly to eligible social service agencies. Of that \$550,000, the City provided West Valley Community Services with approximately \$330,000 in Housing and Human Services Grant funding in FY 2021-2022. The Housing Commission is already responsible for the review and recommendation of all Housing and Human Services Grant funding. This is an essential function of the Commission that enables the City to ensure that social services are being provided to Cupertino residents. Of the cities surveyed, Sunnyvale is the only city with a Housing and Human Services

Commission. Their commission is responsible for reviewing funding to human services agencies similar to what Cupertino's Housing Commission already does. Expanding the scope of the Commission beyond its existing functions would require significant resources and staff time, which is why it is recommended that the Commission's scope is not expanded at this time.

#### Fine Arts Commission

The City currently has a Fine Arts Commission made up of five residents appointed by Council. The purpose of the commission is to foster, encourage and assist in the realization, preservation and advancement of fine arts for the benefit of the citizens of Cupertino. The Commission was first codified in 1987 and was originally named the "Fine Arts Commission". The FY 2021-22 City Work Program includes an item to change the name of the Fine Arts Commission, which was recommended by the commissioners. The Commissioners goal is to change the name of the commission in order to broaden the reach of potential interests, explore other arts outside of "Fine Arts," and better align with commission goals. Staff is working on this name change for completion this fiscal year.

#### Economic Development Committee

The City currently has an Economic Development Committee (EDC) made up of four City staff members, two City Council members, one Planning Commissioner, and four representatives from the business community, including the Cupertino Chamber of Commerce. The primary purpose of this committee is to discuss news about local businesses and to provide staff initial feedback on business-related City initiatives or projects.

The City Council has requested that the EDC be codified with an official committee charter as part of the FY 2021-22 City Work Program. Out of the 13 other cities surveyed in this report, only Santa Clara and Campbell currently have active economic development focused committees that are subcommittees of Council. Gilroy has an ad hoc Economic Development Committee, which has not been active for many years.

Currently, two cities in Santa Clara County have economic development related commissions, which are made up of members of the public. The City of Milpitas has an Economic Development and Trade Commission and the City of Mountain View has a Downtown Committee, which works to encourage economic development in Downtown Mountain View. The City is conducting research on economic development commission and committee charters in other cities to evaluate what would work best for Cupertino.

#### Fiscal Strategic Plan Committee

Currently Cupertino has a Fiscal Strategic Plan Committee that confers, strategizes, and plans for current as well as future activities that have a fiscal impact on the City. This committee meets annually and is made up of two councilmembers and staff. This



committee generally reviews the upcoming Fee Schedule and discusses the financial strategy for the City. The City Council has requested that the Fiscal Strategic Plan Committee be codified with an official committee charter as part of the FY 2021-22 City Work Program. Staff is working on this charter for completion this fiscal year. Five of the 13 other cities surveyed have a finance related committee including Palo Alto, Milpitas, Los Gatos, Mountain View, and Saratoga.

#### Environmental Review Committee

Cupertino's Environmental Review Committee (ERC) was codified in August 1990. The ERC's primary function is to review public projects in accordance with the California Environmental Quality Act (CEQA) to determine whether a project may or may not have a significant effect on the environment by evaluating the preliminary analysis, also known as the Initial Study. As part of the FY 2020-21 City Work Program, Council requested that a review of the scope of the ERC and research on best practices in other cities. Of the other 14 cities surveyed, none had a commission or committee related to Environmental Review. The majority of cities have staff, sometimes along with an environmental consultant, determine if an Environmental Impact Report (EIR) is needed based on the environmental impact of a proposed project.

This review of the scope of the ERC was presented to the ERC on April 15, 2021. During that discussion there was a concern that there may be perceived conflict of interest issues with a Planning Commissioner and a City councilmember serving on the ERC prior to projects coming to the Planning Commission or the City Council for review. While the makeup of the ERC does not violate procedural process or fair hearing rights, the Planning Commissioner and Councilmember appointed to the ERC would need to be careful not to say or do anything during the ERC meetings (or during any other times) that would give the impression that they have made up their mind on how they will ultimately vote on the project application.

The ERC ultimately made the following three suggestions:

1. Roll the environmental review aspect of the ERC's duties into the Planning Commission, which would result in either dissolving the ERC or changing the scope.
2. Expand the ERC's scope to act in an advocacy capacity and provide education and engagement opportunities to the community.
3. Considering changing the composition of the ERC to address the potential for perceived conflicts issues.

#### Considerations for Adding Commissions

In Cupertino, each commission is assigned a staff liaison whose role is to provide administrative support and information that will assist commissioners throughout the process of advising the City Council. In addition to staff liaisons, department directors and administrative staff all work in certain capacities to facilitate and engage with commissioners. The following table shows an estimate of the number of hours staff

spends on commissions annually, not including policy development and implementation as that would have occurred whether or not there was a commission to advise the City Council. These hours include staff time spent on administrative and staff liaison duties, such as attending meetings, writing minutes, and creating agendas.

Commission	Hours Spent Annually
Bicycle Pedestrian	240
Fine Arts	200
Housing	220
Library	350
Parks and Recreation	750
Planning	1100
-Design Review	40
Public Safety	200
Sustainability	220
Teen	300
TICC	120
<b>TOTAL</b>	<b>3,740</b>

Committees	Hours Spent Annually
Audit	230
Disaster Council	30
Economic Development	60
Environmental Review	80
Fiscal Strategic Planning	15
Legislative Review	400
<b>TOTAL</b>	<b>812</b>

In addition to these hours, the City Clerk's Office also spends over 100 hours per year on administrative duties for commissions such as orientation, training, and assisting with agendas. Hours from the City Attorney's Office are also required for certain commission and committee items, particularly Planning Commission and ERC. This does not include staff support for numerous other boards and ad-hoc committees that the City maintains.

#### Interim City Manager Observations

As requested by the City Council, the Interim City Manager has also review the City's use of Commissions and Committees, and provides the following additional comments.

- 1) The City has established a strong practice of having Commissions propose possible City Work Program items for consideration in the City Council's Work Program development, but only the Council can approve the Work Program. This helps to ensure that Commission-requested work items do not compete with Council priorities or direction.
- 2) In general, the Commissions and Committees recognize that they are advisory to the Council except in limited circumstances (e.g., some land use approvals by the Planning Commission, approve legislative position letters by the Legislative Review Committee). However, some commission and committee members do occasionally suggest independent work programs which approach oversight or direction of City staff, which is prohibited by the Municipal Code.
- 3) The use of committees with City staff as members is unique and challenging, and should be phased out over time. Specifically, staff are usually in a support role to commissions and committees and do not serve as "policy makers" themselves. Further, having staff in roles to vote with or against Council members, members

of the public, and even other staff members is very awkward from a supervisory or “chain of command” perspective. Last, staff participation in bodies subject to the Brown Act can create inadvertent Brown Act violations between colleagues and supervisors who need to communicate on day-to-day work matters related to issues to be considered by that Brown Act body (this is most significant for the Environmental Review Committee).

- 4) Public and civic engagement are high values for Cupertino, and commissions and committees are one way to achieve that, as indicated by the high number of commissions and committees that Cupertino has for other comparable jurisdictions. Adding more commissions and committees should be considered on an as-needed basis only through the City’s Work Program given the workload and budget impact. In addition, existing commissions and committees should be fully utilized before adding new ones to avoid redundant coverage of related or linked issues.

#### Recommendation

It is recommended that the City Council review this report and refer the highest priority committee and commission changes, if any, to the next City Work Program.

#### Sustainability Impact

No sustainability impact.

#### Fiscal Impact

If Council chooses to add commissions or committees, additional staffing resources may be required and will be analyzed at that time. It is estimated that an additional commission would require 100-1100 hours and an additional committee would require around 15-400 hours of staff time annually depending on the demands of the commission or committee.

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Dianne Thompson, Assistant City Manager

Approved for Submission by: Greg Larson, Interim City Manager

Attachments:

A – Matrix of Commissions in Other Cities

B – Matrix of Committees in Other Cities

C – Scopes of Commissions and Committees