



**OFFICE OF THE CITY MANAGER**

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3212    [www.cupertino.org](http://www.cupertino.org)

**MEMORANDUM TO COMMISSIONS**

October 29, 2018

Subject

Findings from staff's review of the efficiency of commissions and communication with the City Council.

Background

As part of the 2018-19 Work Program adopted on March 6, 2018, Council requested that staff explore the consolidation of certain commissions. However, at the study session held on July 31, 2018, Council directed staff to review the structure of all Cupertino commissions to explore options for improving efficiency and communication with Council overall.

The Cupertino City Council has created a total of ten commissions. There are typically five members of the public appointed by Council to serve on each commission. The primary role of commissions is to assist the Council in the formation of policy by gathering information, weighing public input, and examining issues in depth to render a recommendation to the Council. This can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects as directed by Council, reviewing written material, studying critical issues, guiding the implementation of new programs or regulating established programs, assessing alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. Commissions serve at the will of the Council, therefore, commissions can be created or disbanded and commissioners can be dismissed by a majority vote of the Council.

The following table summarizes the City's commissions with brief descriptions of the community priority areas they are responsible for.

Commission	Description	Meeting Frequency	Est. Duration
Bicycle Pedestrian Commission	Advises Council on transportation matters within Cupertino including bicycle and pedestrian traffic, parking, education, and recreation.	Practice: Monthly Mandate: At least every other month	2 hrs
Fine Arts Commission	Fosters, encourages, and assists in the realization, preservation, and advancement of fine arts for the benefit of the citizens of Cupertino.	Every other month	2+ hrs

Commission	Description	Meeting Frequency	Est. Duration
Housing Commission	Assists in recommending housing policies and strategies, monitoring affordable housing projects, and identifying sources of funding for affordable housing.	Practice: Monthly Mandate: At least quarterly	1-1.5 hrs
Library Commission	Advises Council regarding library service in the community and serves as liaison between the City and the Santa Clara County Library JPA.	Practice: Monthly Mandate: At least every other month	2.5 hrs
Parks & Recreation Commission	Advises Council on parks and recreation related activities, including park site acquisition and development, community activities, and recreation policies.	Monthly	2.5 hrs
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.	Twice a month	1-4 hrs
Public Safety Commission	Advises Council on areas relating to public safety, traffic, police, fire and other areas where public safety may be of concern.	Practice: Monthly Mandate: At least every other month	2.5 hrs
Sustainability Commission	Advises Council on major policy and programmatic areas related to the environmental goals in Cupertino's Climate Action Plan and General Plan's Environmental Resources/Sustainability Element.	Practice: Monthly Mandate: At least quarterly	2 hrs
Teen Commission	Advises Council and staff on issues and projects important to youth in the Cupertino community.	Twice a month (Sept-May) Monthly (Jun-Aug)	2.5 hrs
Technology, Information, & Communications Commission	Advises Council on all matters relating to telecommunications in Cupertino and provides support for community access television.	Practice: Monthly Mandate: At least quarterly	2 hrs

## Discussion

To explore improving efficiency and communication, staff reviewed the City's current commission structure and conducted a survey of 16 local cities to determine best practices.

### **Communications with Council**

#### *Council Liaisons*

Currently, each commission is assigned a staff liaison whose role is to provide administrative support and information that will assist commissioners throughout the decision-making process. In addition to staff liaisons, some cities also have Council liaisons that are assigned to commissions to help facilitate the exchange of information between a Council and its commissions. While Cupertino does not have council liaisons for commissions, almost half of the local cities surveyed do assign councilmembers to commissions. Of these cities, Milpitas, Palo Alto, and Sunnyvale do not assign Council liaisons for quasi-judicial commissions, such as the Planning Commission.

Cities with Council liaisons have found that this structure can provide an opportunity for commissioners to connect with a member of the Council and receive guidance regarding Council processes. Council liaisons can also report back to the entire Council regarding commission updates and monitor commission performance when necessary. However, some cities indicated that the Council liaison role is not well-defined and may be duplicative of the staff liaison. It is also important to consider that Council liaisons could be pressured to speak on sensitive issues or have undue influence due to their councilmember status. As a best practice, there are parameters placed on Council liaisons. For example, Council liaisons may attend their assigned commission meeting but do not participate as a member of the commission. Also, they are not to speak on behalf of the Council on matters that were not previously discussed with the Council as a whole.

<b>COUNCIL LIAISONS IN OTHER CITIES</b>	
<b>Council liaisons are assigned to Commissions</b>	<b>Council liaisons are NOT assigned to Commissions</b>
<b>LOS ALTOS LOS ALTOS HILLS MILPITAS (except quasi-judicial) PALO ALTO (except quasi-judicial) SAN JOSE SAN MATEO SUNNYVALE (except quasi-judicial)</b>	<b>CAMPBELL GILROY LOS GATOS MENLO PARK MORGAN HILL MOUNTAIN VIEW REDWOOD CITY SANTA CLARA SARATOGA</b>

#### *Work Programs*

Work programs provide an opportunity for commissioners to identify the different priorities and projects that each commission will be working on during the year. Currently, Cupertino

commissions are not required to have their work programs approved by Council. The survey of local cities found that most commission work programs are formally approved by Council. The City of Los Altos goes a step further and has commission work programs reviewed at a joint meeting between the commission and the full Council. Requiring that work programs be approved by Council ensures that commissions are working to further Council priorities and may improve Council's engagement by focusing annual reviews on each commission's deliverables. This process would result in each of the work programs coming to Council as additional items, but allow an opportunity for Council to provide more guidance and direction to commissions.

COMMISSION WORK PROGRAMS IN OTHER CITIES		
No formal work program required	Work programs are formally approved by Council	Work program reviewed at joint meeting with Council
<b>CAMPBELL</b> <b>LOS ALTOS HILLS</b> <b>PALO ALTO</b> <b>SAN MATEO</b> <b>SANTA CLARA</b>	<b>GILROY</b> <b>LOS GATOS</b> <b>MENLO PARK</b> <b>MORGAN HILL</b> <b>MOUNTAIN VIEW</b> <b>REDWOOD CITY</b> <b>SARATOGA</b> <b>SAN JOSE</b> <b>SUNNYVALE</b> <b>MILPITAS</b> (in the process of formalizing this requirement)	<b>LOS ALTOS</b>

#### *Mayors Meetings*

Cupertino is unique when it comes to the monthly Mayor's meeting, in which representatives from each commissions meet with the Mayor to discuss updates. No other cities hold a monthly Mayor's meeting with commissioners. Instead, commissioners in other cities provide updates to Council by other means. For example, Menlo Park requires commissions to provide a quarterly report to Council. Mountain View has an annual meeting for commission updates which includes the chair of each commission. Sunnyvale has an annual meeting with the Mayor, Vice-Mayor, and all commission chairs and vice-chairs to confirm that they are following policies regarding organization and structure. The City of Santa Clara has a joint meeting with their full Council and a different board or commission each month to provide updates and information on upcoming events.

While not included in our survey of 16 local cities, Walnut Creek holds a meeting similar to Cupertino's Mayor's meeting. It is a quarterly informational meeting in which the Mayor, Mayor Pro Tem, and all commission chairs and vice-chairs give updates to one another. Minutes are taken by the City Clerk or Deputy City Clerk and after they are approved, the minutes are included as a report out to the rest of the Council. Walnut Creek staff have found this quarterly meeting to be beneficial as it is well attended, allows commissioners to hear what others are

working on, and provides an opportunity for commissioners to voice their concerns to the Mayor. In-line with Walnut Creek, it may be beneficial to have minutes taken at Cupertino's Mayor's meetings that are then provided to the full Council. This would add another level of engagement between commissions and Council. To accomplish this, either an attendee of the meeting would take minutes or staff time would be required to capture the meeting minutes.

## Efficiency and Consistency

### *Protocol*

Staff reviewed each commission's current meeting protocols and procedures to identify any areas that could be improved. Currently, commissions may adopt rules and procedures, with Council approval, to help them accomplish their duties. If no such rules or procedures are adopted, Robert's Rules of Order may be followed but are not required. To date, no commissions have adopted formalized procedures. In practice, while some commissions follow Robert's Rules of Order, most commission meetings do not follow a formal parliamentary procedure.

To facilitate productive meetings, Council should consider formally adopting a parliamentary protocol for commissions to follow. This standardization would not only help clarify the structure of meetings but also assist in streamlining training for commissioners and staff liaisons. A few examples of parliamentary procedures are Rosenberg's Rules of Order (Attachment A & B), Robert's Rules of Order (Attachment C), and the Sturgis Parliamentary Procedure (Attachment D). The City Clerk's Office recommends Rosenberg's Rules of Order as they are user-friendly and more easily understood than other procedures. Most of the local cities surveyed use Robert's Rules of Order. However, the City Clerk conducted a wider-reaching survey of California cities in which most cities used Rosenberg's Rules of Order (Attachment E).

In addition, it is standard practice for all commissions to have minutes taken for their meetings. Currently, the City's commissions take either action minutes or summary minutes. Most other cities surveyed take action minutes, but some have a mixture of both summary and action minutes in their commissions. Cupertino's Planning Commission and Parks and Recreation Commission are also video recorded. All other cities surveyed also video record their Planning Commission meetings but typically do not video record other commissions. About half of the cities surveyed audio record their other commissions, only three of which post them online.

COMMISSION MEETING RECORDS IN OTHER CITIES		
City	Type of Commission Minutes	Commissions Recorded
CAMPBELL	Action and summary	Planning Commission is video recorded and posted online. None of the other commissions are audio recorded.

COMMISSION MEETING RECORDS IN OTHER CITIES		
City	Type of Commission Minutes	Commissions Recorded
GILROY	Action w/ brief summary	Planning Commission is video recorded and posted online. All other commissions are audio recorded (not posted online).
LOS ALTOS	Action	Planning Commission is video recorded and posted online. All other commissions are audio recorded (not posted online).
LOS ALTOS HILLS	Action and summary	Planning Commission is video recorded and posted online. None of the other commissions are audio recorded.
LOS GATOS	Action	Planning Commission is video recorded and posted online. All other commissions are audio recorded (not posted online).
MENLO PARK	Action w/ summary minutes for Planning Commission	Planning Commission and Complete Streets Commission (Special meetings) are video recorded and posted online. None of the other commissions are audio recorded.
MILPITAS	Action w/ summary minutes for Planning Commission	Planning Commission is video recorded and posted online. All other commissions are audio recorded (not posted online).
MORGAN HILL	Action	All commission meetings are video recorded and posted online.
MOUNTAIN VIEW	Action	Planning Commission is video recorded and posted online. All other commissions are audio recorded and posted online.
PALO ALTO	Summary w/ verbatim minutes for Planning & Transportation Commission	All commissions are video recorded and posted online.
REDWOOD CITY	Action w/ summary minutes for Planning Commission	Planning Commission is video recorded and posted online. None of the other commissions are audio recorded.

COMMISSION MEETING RECORDS IN OTHER CITIES		
City	Type of Commission Minutes	Commissions Recorded
SAN JOSE	Action	Planning Commission is video recorded and posted online. All other commissions are audio recorded (not posted online).
SAN MATEO	Policy outlines action minutes but is a mix of action and summary minutes in practice	Planning Commission, Sustainability & Infrastructure Commission are video recorded and posted online. Some commissions are audio recorded (not posted online).
SANTA CLARA	Action	Planning Commission is video recorded and posted online. All others commissions are audio recorded and posted online.
SARATOGA	Action	Planning Commission is video recorded and posted online. None of the other commissions are audio recorded.
SUNNYVALE	Action	Planning Commission is video recorded and posted online. All other commissions are audio recorded and posted online.

Staff recommends selecting one format for meeting minutes for all commissions. Action minutes would reduce staff time as well as strictly communicate the facts and actions of the meeting rather than including an interpretation of the discussion. Summary minutes provide a more detailed description of the discussions leading up to the actions in the meeting.

If Council desired to require audio recordings of commission meetings, this could be accomplished in a few different ways. One way is to provide each commission staff liaison with a recording device. A high-quality audio recorder would have an estimated cost of \$60-\$100 per device. Additional staff time required would be minimal. Alternatively, the staff liaison could use their City-issued iPad to record if they have one. The IT Department is currently exploring the potential of outfitting City conference rooms with audio recording equipment and the associated costs. If audio recordings are done, they would be considered public record and would be subject to the City's retention schedule. The current retention schedule stipulates that the audio recording should be kept for 30 days or until the meeting minutes are approved, whichever is longer. Council could decide to extend the retention schedule and make recordings available online.

### *Internal Consistency*

Staff identified inconsistencies within the Cupertino Municipal Code. For example, the Teen Commission is the only commission not codified. There are also inconsistencies in the language regarding record keeping and the references to the resolution governing advisory bodies. Staff plans to return to Council with recommended changes to address these consistency issues.

### *Duplication*

Initially, there was a concern regarding the duplicative mandates of commissions. As discussed at the July 31<sup>st</sup> Study Session, commissions typically do not overlap in practice. However, in the Cupertino Municipal Code, there are areas of potential duplication. For example, the Parks and Recreation Commission mandate does include, “Sheriff, Library, Fire, and Disaster Preparedness,” which may be considered as areas under the Library and Public Safety Commissions. To address this, staff suggests removing or clarifying language on commission functions.

### *Facilitating Collaboration*

While duplication doesn’t appear to be an issue of concern within the City’s commissions, there will inevitably be issues and topics that are relevant to more than one commission’s expertise. For example, traffic safety could be relevant to both the Public Safety Commission and the Bicycle Pedestrian Commission. Currently, the Commissioner Handbook does have a section regarding “Relations with Other Boards, Commissions, and Committees.” Staff intends to revise this section to explain that in instances where a topic is relevant to more than one commission, the relevant commissions should work collaboratively on the project or recommendation so that all viewpoints can be considered, minimizing duplication or conflict.

There are multiple junctures at which a topic can be identified as a candidate for collaboration. Most cities rely on the staff liaison to identify issues in their commissions which may be relevant to others. Likewise, Cupertino should train staff liaisons to be aware of any items that call for collaboration. Additionally, if all commissions have work programs approved by Council, the Council may direct commissions to collaborate on any items. The Mayor’s monthly meetings with commissions could also be a venue for fellow commissioners or the Mayor to identify issues of mutual interest.

## **Other Best Practices**

### *Code of Ethics and Conduct*

In reviewing commission policies and guidelines from other cities, staff found that the majority of cities had adopted a formal code of conduct or ethics for commissions to abide by. Typically the code applies to the city’s councilmembers as well, unless they have a code specific to Council. A code of ethics and conduct can cover topics ranging from conflict of interest, confidentiality, advocacy, acting in the public interest, and proper use of an individual’s City title. While all cities indicated that a commissioner can be dismissed by a vote of the Council, a few cities such as San Mateo, Santa Clara, and Sunnyvale clearly state that any violation of the code of ethics and conduct are grounds for removal as a commissioner. Except for Sunnyvale, the cities surveyed



did not have formal written procedures for the removal process. In practice, removal typically involves a letter of reprimand to the commissioner in violation, followed by a discussion and decision by the City Council to formalize the dismissal.

### **Next Steps**

Staff will collect feedback from commissions to incorporate into the report to Council. Recommendations regarding commissions are expected to be brought to the Council meeting on November 20, 2018. Staff plans to include proposed revisions to the Cupertino Municipal Code as well as a draft code of ethics and conduct (Attachment F) for Council consideration. Following the Council meeting, staff will revise the Commissions Handbook to reflect recommendations approved by Council and provide training to commissioners and liaisons.

### **Fiscal Impact**

The fiscal impact is dependent on the recommendations selected. Staff will evaluate fiscal impacts when final recommendations are presented.

---

Prepared by: Katy Nomura, Senior Management Analyst, and  
Toni Oasay-Anderson, Management Analyst

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved for Submission by: Amy Chan, Interim City Manager

### **Attachments:**

A – Rosenberg’s Rules of Order

B – Rosenberg’s Rules of Order at a Glance

C – Robert’s Rules of Order at a Glance

D – Parliamentary Procedure at a Glance - Sturgis

E – Parliamentary Procedures in Other Cities

F – Draft Code of Ethics and Conduct for Elected and Appointed Officials