

Meeting Date: 06-23-09

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6B.1



Date: June 12, 2009

To: City Manager/Executive Director for City Council/Redevelopment Agency Action

From: Administrative Analyst to the City Manager

Subject: Process and Timeline for Creating a Charter Review Committee to Review Charter Language Relating to Competitive Bidding for Public Works Projects (Charter Section 13.10) as it Relates to the Construction of a Stadium

EXECUTIVE SUMMARY:

At the June 2, 2009 Council meeting, Council directed the City Manager to return with a report for City Council action to proceed with the creation of a Charter Review Committee. The purpose of the Charter Review Committee is to determine if existing City Charter language requiring competitive bidding for Public Works projects can be modified to allow for some focused, limited use of a design/build process not subject to competitive bidding in some or all of the construction of an NFL stadium. Any recommended Charter revision would be limited solely to the stadium project and no other future Public Works projects in the City.

Consistent with past practice, it is recommended that Council proceed with the establishment of a Charter Review Committee consisting of 16 members: each Council Member to select one individual (7), one member to be appointed by the Citizen's Advisory Committee, one member to be appointed by the Chamber of Commerce, and seven at-large members to be selected by City Council through an application/interview process. Selection of the at-large members will be accomplished by advertising the vacancies in a manner similar to that used for Board and Commission vacancies. Interested parties, including those directly recommended by individual Council members, will be required to submit a letter of interest and qualifications no later than August 12, 2009. Informal interviews will be held on August 18 at 5:30 pm, with selection of members immediately following at the Council meeting. The complete roster of committee appointees is subject to approval by the full City Council. Interested applicants must be Santa Clara residents and registered voters, as is required for all City Boards and Commissions.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Using this approach to select the members of the Charter Review committee will allow for both expeditious establishment of the committee and citizen participation. This approach worked successfully in the charter review held in 1999/2000. A disadvantage is that the recruitment of at-large members will add additional time to the process.

ECONOMIC/FISCAL IMPACT:

Staff administrative services will be needed to support committee meetings.

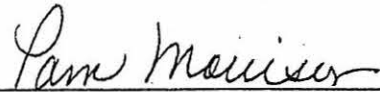
City Manager/Executive Director for City Council/Redevelopment Agency Action
Process and Timeline for Creating a Charter Review Committee to Review Charter Language Relating to
Competitive Bidding for Public Works Projects (Charter Section 13.10) as it Relates to the Construction of a
Stadium

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RECOMMENDATION:

That the City Council/Redevelopment Agency approve the process and timeline for creating a Charter Review Committee to review charter language relating to competitive bidding for Public Works projects (Charter Section 13.10) as it relates to the construction of a stadium.



Pam Morrison

Administrative Analyst to the City Manager

APPROVED:



Jennifer Spriacino

City Manager/Executive Director for
Redevelopment Agency

Documents Related to this Report:

1) *None*

City Manager/Executive Director for City Council/Redevelopment Agency Action
Process and Timeline for Creating a Charter Review Committee to Review Charter Language Relating to
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DISCUSSION:

Council has directed that a Charter Review Committee be formed for the purpose of determining if existing City Charter language requiring competitive bidding for Public Works projects can be modified to allow for some focused, limited use of a design/build process not subject to competitive bidding in some or all of the construction of an NFL stadium. In order to allow sufficient time for recruitment and selection of committee members, development of the Charter revision, and finalization of the language for possible placement on a Spring 2010 ballot, the following timeline and meeting dates are suggested:

Beginning immediately:	Press release and promotion of Charter Review Committee vacancies
August 12, 2009:	Deadline for submittal of applications (available from City Clerk)
August 18, 2009:	Informal interviews at 5:30 pm with City Council; selection of committee members and approval of full committee roster immediately following at the Council Meeting

Thursday, August 20, 2009: Initial Committee Meeting, 5:30 – 7 pm, Council Chambers

Subsequent meetings (all to be held in the Council Chambers from 5:30 – 7 pm):

Thursday, September 3, 2009

Thursday, September 17, 2009

Thursday, October 1, 2009 (if needed)

October 1, 2009:	Anticipated completion of Committee's proposed recommendations to City Council for possible revisions to Charter
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October 27, 2009:	Agenda Report with Committee's proposed recommendations on Council Agenda for Council action
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CITY OF SANTA CLARA

CITY CLERK'S OFFICE



TO: Mayor and Council
FROM: City Clerk and Auditor
DATE: 7/9/09
RE: Charter Review Committee Appointments

At the City Council meeting of June 23, 2009, the City Council approved the creation of a Charter Review Committee.

Of the 16 members of the Committee, seven (7) are to be selected by individual City Councilmembers, one (1) from the Chamber of Commerce, one (1) from the Citizen's Advisory Committee and seven (7) appointed at-large.

Please find attached a copy of the Guide for Charter Review Applicants. A PDF version is also available on the City's website or by calling the City Clerk's Office.

This memorandum is to remind the Councilmembers that their individual selections are still required to submit a letter of interest and qualifications to the City Clerk's Office by 5:00 PM on Wednesday, August 12th, 2009, and will be interviewed by the entire Council on August 18th, 2009 at 5:30 PM in the City Hall Council Chambers.

Please let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Rod Diridon, Jr.".

--RJD2

Rod Diridon, Jr., CMC
City Clerk and Auditor
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CC. City Manager

CITY OF SANTA CLARA

GUIDE FOR CHARTER REVIEW COMMITTEE APPLICANTS



CITY OF SANTA CLARA

Application Process for Charter Review Committee

The City Council has directed the convening of a Charter Review Committee. In order to seek out interested applicants, the City Manager's Office staff prepares a press release which is distributed to all local media including the Santa Clara Weekly, and the opportunity to serve is announced on the City's website and Municipal Cable Channel 15. Copies of the announcement are sent to those individuals on the list of interested parties. Anyone may have their name added to the list of interested parties to be notified; this list is kept in the City Clerk's Office.

Information packets for serving on the Charter Review Committee are obtained from the City Clerk's Office. To apply, interested parties must submit a letter of interest and qualifications to the City Clerk's Office by 5:00 pm on Wednesday, August 12, 2009. The letter of interest and qualifications should include any relevant information about the applicant's experience, skills and talents for the position. At the conclusion of the application period, the submittals are forwarded to the City Council in the regular agenda packets for public review. The City Council will interview all applicants in the City Hall Council Chambers on Tuesday, August 18, 2009 at 5:30 pm. The official appointment of Committee members will be made later in the evening at the Council meeting at 7:00 pm.

TIPS FOR APPLYING

1. **Type or neatly print your letter of interest and qualifications.** With the number of submittals the City Council must review, neatness is a bonus.
2. **Be thorough in describing the reasons why you want to serve.** The City Council reviews your submittal to get an understanding of your background and experience, and what skills and talents you believe you could bring to the Charter Review Committee.
3. **Find out City Council's priorities and interests.** Attend City Council meetings and review meeting minutes. City Council meetings are televised on the City's Municipal Cable Channel 15 and streamed live on the City's website and are available on DVD from the City's libraries. Meeting minutes are also available through the City Clerk's Office.
4. **Review the Code of Ethics for Appointed and Elected Officials.** Included in your application materials will be a copy of the Code of Ethics. Review it and understand that if you are appointed to the Charter Review Committee, you will be required to abide by it.
5. **Prepare for the interview.** Although we do not know what specific questions the City Council will ask, it is suggested that you clarify for yourself why you are applying for the Charter Review Committee, understand the role and function of the Committee, and be familiar with the current issues it is examining.
6. **Treat the interview with the City Council like a business interview.** Professional business dress is appropriate. Understand that the City Council is not only considering what experience, skills and talents you bring to the Committee, but also how well you can represent the City.

Charter Review Committee Schedule

Council has directed that a Charter Review Committee be formed for the purpose of determining if existing City Charter language requiring competitive bidding for Public Works projects can be modified to allow for some focused, limited use of a design/build process not subject to competitive bidding in some or all of the construction of an NFL stadium. In order to allow sufficient time for recruitment and selection of committee members, development of the Charter revision, and finalization of the language for possible placement on a Spring 2010 ballot, the following timeline and meeting dates have been established:

- Beginning immediately: Press release and promotion of Charter Review Committee vacancies
August 12, 2009: Deadline for submittal of letters of interest and qualifications
(information packet available from City Clerk)
- August 18, 2009: Informal interviews at 5:30 pm with City Council in the City Hall
Council Chambers (1500 Warburton Avenue); selection of committee
members and approval of full committee roster immediately following at
the 7pm Council Meeting
- Thursday, August 20, 2009: Initial Committee Meeting, 5:30 – 7 pm
City Hall Council Chambers
- Subsequent meetings (all to be held in the Council Chambers from 5:30 – 7 pm):
Thursday, September 3, 2009
Thursday, September 17, 2009
Thursday, October 1, 2009 (if needed)
- October 1, 2009: Anticipated completion of Committee's proposed recommendations to City
Council for possible revisions to Charter
- October 27, 2009: Agenda Report with Committee's proposed recommendations on Council
Agenda for Council action

A GUIDE FOR BOARD, COMMISSION AND COMMITTEE APPLICANTS

While membership on a Board, Commission or Committee (referred to collectively as “Commission”) requires no definite qualifications, there are desirable characteristics which the City Council will be looking for as they review applications.

FAMILIARITY WITH COMMUNITY:

The City Council would expect that appointees would have lived in Santa Clara for at least a year prior to their appointment and would be somewhat familiar with the physical, social and economic make-up of the City. Applicants should have demonstrated an active interest and involvement in the community.

FAMILIARITY WITH MAJOR ISSUES:

While it will be assumed that applicants are familiar with the specific issues that are being addressed by the Commission for which they are applying, it is also expected that applicants are aware of far reaching issues which will impact all sectors of City programs and services.

KNOWLEDGE OF THE COMMISSION:

It is assumed that during the application process, applicants will become familiar with the responsibilities and role of the Commission in the City's policymaking structure.

COMMITMENT TO SERVE:

It is fully expected that when appointed Board, Commission or Committee Members (referred collectively as “Commissioners”) will serve their term of office. While personal or professional circumstances might prompt an unexpected resignation, applicants who are aware of any reasons why they may not be able to complete a full term or attend regularly scheduled meetings, should indicate this on their application.

While time commitments will vary depending upon schedules and workload, Commissioners are expected to attend all scheduled meetings.

In addition to attending scheduled meetings, Commissioners may be expected to participate in study sessions or serve on subcommittees.

RELATIONS WITH THE COMMUNITY:

As a Commissioner, your actions will reflect on the City of Santa Clara; and you will be expected to relate to the community with impartiality and courtesy.

PLEASE NOTE: CITY CHARTER SECTION 1004 REQUIRES THAT ALL MEMBERS OF BOARDS, COMMISSIONS AND/OR COMMITTEES BE REGISTERED VOTERS IN THE CITY OF SANTA CLARA.

PURPOSE

How commissioners serve the citizens of Santa Clara

“You make a living by what you get, but you make a life by what you give.”
Winston Churchill

Commissions play a critical role in the City of Santa Clara. They serve as a conduit for citizen input - a way of gathering, analyzing and recommending options to the City Council which has the final responsibility for making policy decisions. City staff can provide professional and technical expertise and, of course, any citizen can come before the City Council to offer an opinion or make a suggestion. Commissions provide another, important avenue for determining the community's feelings about an issue. The individuals who serve on Commissions are among the most respected and appreciated volunteers in the community.

The formal description of the roles and responsibilities of Commissions, as set in the City Charter and City Code, is included in the back of this guide. Here is a brief summary of how Commissions serve the democratic process in the City of Santa Clara.

The purpose of Commissions in Santa Clara is to . . .

- hold public hearings and use other means to determine how the community feels about issues related to their respective fields.
- recommend policies and procedures related to their respective fields to the City Council.
- serve as an intermediary between the public, City staff, and the City Council by providing information, explanation, and support for different points of view.
- exemplify the mission statement of City government in Santa Clara which is "to promote a living and working environment that allows for the best quality of life by serving the community with resourceful, efficient, progressive and professional leadership."

CITY GOVERNMENT BACKGROUND INFORMATION

Putting Commissions into context

"Those in high places are more than the administrators of government bureaus. They are more than the writers of law. They are the custodians of a nation's ideals, of the beliefs it cherishes, of its permanent hopes, of the faith which makes a nation out of a mere aggregation of individuals."

Walter Lippmann

The City of Santa Clara is a Charter City, incorporated in 1852 under the laws of the State of California. Santa Clara uses a Council-Manager form of government. The City Council serves as the legislative body, sets policies and procedures, and represents the citizens of Santa Clara. The City Manager, as the Chief Executive Officer appointed by the City Council, implements City Council policies and procedures. The City Attorney and the City Auditor are also appointed by the City Council while the City Clerk and the Chief of Police are full-time elected positions.

City Council

The Santa Clara City Council, the governing body of the City, is made up of six council members and a directly elected mayor, who are elected in a non-partisan election and serve "at large," representing the whole City, not a particular district. The City Council is accountable to the citizens it serves. Elections are held in November of even calendar years except when special elections are held. City Council members and the Mayor serve four-year terms and each may serve a maximum of two consecutive terms. Three council terms are up in one election; three other council terms and the Mayor's term are up two years later. (More specific details can be found in the City Charter).

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The decisions of the City Council are reached by a majority vote. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the municipal code. Other City Council directives and policies are recorded in resolutions or council minutes.

The Santa Clara City Council generally meets every other Tuesday at 7:00 pm in the Council Chambers at City Hall. Copies of the City Council agenda are available 72 hours before the meetings at the City Clerk's Office, Central Park Library, Mission Library and on the City's website www.santaclaraca.gov. Agenda packets, which contain the agenda and information on each agenda item, are available in the City Clerk's Office and both libraries. Summaries of the actions from previous City Council meetings can be found on the City's website.

City Council meetings are broadcast live on the City's Municipal Cable Channel 15 and on the City's website. Tapes of the City Council meetings are also rebroadcasted on Wednesdays at 7:00 pm and Thursdays at 1:00 pm. Call 615-2210 for broadcast information. DVDs of the meetings are also available at both City libraries for check-out by patrons. Videos of the City Council meetings are also available on the City's website. City Council agenda highlights and other municipal announcements appear weekly on City's Municipal Cable Channel 15.

City Manager

The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council.

The City Manager implements policies and procedures initiated by the City Council, prepares and administers the municipal budget, advises the City Council of future financial needs of the City, initiates and supervises business relationships, and directs the daily operations of City government. The use of City-owned property is handled through the City Manager's Office, as are economic development, community and media relations, special projects, research and contracts, emergency services, training and safety, redevelopment, special agency activities, and the overall general administration budget. The City Manager is responsible for all City personnel and serves as a liaison to each commission. The City Manager also serves as the Executive Director of the Redevelopment Agency and Contract Administrator for the Sports and Open Space Authority. Activities of these agencies are coordinated through the City Manager's Office.

City Clerk

The City Clerk is an elected official responsible for the recording, writing and maintenance of City Council proceedings. The City Clerk conducts municipal elections, publishes ordinances and processes resolutions and other official City documents. The City Clerk stores and indexes official documents and City records for retrieval, administers Conflict of Interest disclosures and Campaign Disclosure Statements filed under the Political Reform Act and is the custodian of the seal of the City.

City Attorney

The City Attorney is appointed by the City Council. The City Attorney advises the City Council and City officers (in their official capacity) in legal matters, attends all Council meetings and some Commission meetings, represents the City in legal actions and proceedings, and retains, supervises and monitors outside legal counsel. The office of the City Attorney also approves the form of all bonds and contracts made by the City, prepares/approves all ordinances, resolutions and amendments for the City, and prosecutes criminal cases for violation of the Charter and of City ordinances.

The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

Redevelopment Agency

The Redevelopment Agency was created by the Santa Clara City Council in 1957 in order to help revitalize certain areas of the City. The City Council serves as the Redevelopment Agency Board. The Mayor is the Chair, the Vice Mayor is the Vice-Chair, the City Manager is the Executive Director, the City Clerk is the Secretary and the Director of Finance is the Treasurer of the Agency. The Redevelopment Agency meets immediately following the City Council meetings.

Santa Clara has two Redevelopment project areas - the University Project and the Bayshore North Project. Redevelopment Agency projects have included the Santa Clara Convention Center, Great America Theme Park, and projects for low and moderate income housing.

Sports and Open Space Authority (SOSA)

The Sports and Open Space Authority was created by the Santa Clara City Council in 1975 to handle any sports and open space projects, such as the City golf course. The City Council serves as the Sports and Open Space Authority Board. The Mayor is the Chair, Vice Mayor is the Vice-Chair, the City Manager is the Contract Administrator, the City Clerk is the Secretary and the Director of Finance is the Director of Finance for the Authority. Since its creation, the Sports and Open Space Authority has been involved in a number of successful projects including the Santa Clara Golf and Tennis Club. The Sports and Open Space Authority meets immediately following the Redevelopment Agency meetings.

Boards, Commissions, Committees

The City of Santa Clara currently has 10 advisory groups categorized as a board, commission or committee (referred to collectively as "Commissions"). Each has a specific focus and serves to make recommendations to the City Council on issues related to that specific field. The City Manager is the official liaison to each group and either serves personally as the liaison or appoints a staff member to serve in this capacity.

Members of Commissions are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. Commissioners must be residents of Santa Clara or, in the case of the Youth Commission, attend Santa Clara schools.

Members of Charter-established Commissions (Planning Commission, Civil Service Commission, Parks and Recreation Commission and the Board of Library Trustees) have the power to administer oaths and affirmations in any investigation or proceeding pending before that group. Generally, only the Planning Commission, Civil Service Commission and Housing Rehabilitation Loan Committee conduct investigations or proceedings.



City of Santa Clara, CA

Code of Ethics and Values

PREAMBLE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Santa Clara has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

1. As a Representative of the City of Santa Clara, I will be *ethical*.

In practice, this value looks like:

- a.) I am trustworthy, acting with the utmost integrity and moral courage.
- b.) I am truthful, do what I say I will do, and am dependable.
- c.) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d.) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e.) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f.) I show respect for persons, confidences, and information designated as "confidential."
- g.) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

2. As a Representative of the City of Santa Clara, I will be *professional*.

In practice, this value looks like:

- a.) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b.) I approach my job and work-related relationships with a positive attitude.
- c.) I keep my professional knowledge and skills current and growing.

3. As a Representative of the City of Santa Clara, I will be *service-oriented*.

In practice, this value looks like:

- a.) I provide friendly, receptive, courteous service to everyone.
- b.) I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c.) In my interactions with constituents, I am interested, engaged, and responsive.

4. As a Representative of the City of Santa Clara, I will be *fiscally responsible*

In practice, this value looks like:

- a.) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b.) I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c.) I make good financial decisions that seek to preserve programs and services for City residents.

5. As a Representative of the City of Santa Clara, I will be *organized*.

In practice, this value looks like:

- a.) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b.) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c.) I am respectful of established City processes and guidelines.

6. As a Representative of the City of Santa Clara, I will be *communicative*.

In practice, this value looks like:

- a.) I convey the City's care for and commitment to its citizens.
- b.) I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c.) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

7. As a Representative of the City of Santa Clara, I will be *collaborative*.

In practice, this value looks like:

- a.) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b.) I work towards consensus building and gain value from diverse opinions.
- c.) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d.) I consider the broader regional and State-wide implications of the City's decisions and issues.

8. As a Representative of the City of Santa Clara, I will be *progressive*.

In practice, this value looks like:

- a.) I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b.) I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c.) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

Approved by City Council on April 4, 2000; modified by Council on August 21, 2001