



**City of
Santa Clara**
The Center of What's Possible

GOVERNANCE COMMITTEE

City Hall – Staff Conference Room
1500 Warburton Avenue
Santa Clara, CA 95050

AGENDA

September 11, 2017
4:00 pm

Committee Members

Council Member Teresa O'Neill, Chair
Council Member Debi Davis
Council Member Kathy Watanabe

Staff

City Manager Rajeev Batra
Interim City Attorney, Brian Doyle
Community Relations Manager, Jennifer Yamaguma (Staff Liaison)

1. Call to Order
2. Approval of Minutes from August 14, 2017
3. Public Presentations
This portion of the meeting is reserved for persons to address the Committee on any matter not on the agenda. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. Commissioners or the staff liaison may briefly respond to statements made or questions posed and may request staff to report back at a subsequent meeting. Please limit your remarks to 3 minutes.
4. Update on Workplan items:
 - A. Review of draft Gifts to the City policy
 - B. Review of draft Donations policy
 - C. Review of draft Sponsorship policy
 - D. Review of draft Flag policy
5. Adjournment
Next meeting: October 9, 2017 at 4 pm



**DRAFT – Meeting Minutes
August 14, 2017 at 4:00 p.m.**

Committee Members Present:

Council Member Teresa O'Neill (Chair)
Council Member Debi Davis
Council Member Kathy Watanabe

Staff:

City Manager, Rajeev Batra
City Clerk/Auditor, Rod Diridon, Jr.
Community Relations Manager, Jennifer Yamaguma (Staff Liaison)
Management Analyst, Raania Mohsen
Office Specialist to the City Council, Genevieve Yip

Guests:

Deborah Bress
Scott Lane

Matters for Council Action:

The Committee recommended (3-0) that the 2018 Council and Authorities Concurrent Meeting Dates be referred back to the full City Council for final review and approval.

1. Call to Order

Chair O'Neill called the meeting to order at 4:02 p.m.

2. Approval of Minutes from July 10, 2017

It was moved by Council Member Davis, seconded by Council Member Watanabe, and unanimously carried, that the Committee approve the minutes of the July 10, 2017 meeting.

3. Public Presentations

Scott Lane made general comments regarding the San Tomas Aquino Creek Trail and the Silicon Valley Bicycle Coalition. Deborah Bress made general comments regarding the posting of notices for meetings and made general comments regarding the eligibility requirements to serve on the Santa Clara City Council.

4. Review of 2018 Council and Authorities Concurrent Meeting Dates

The Community Relations Manager provided a handout on the 2018 Council and Authorities Concurrent Meeting Dates. The Committee reviewed the proposed dates. Council Member Davis commented on meeting dates. Council Member Davis commented that the July 3, 2017 Council Meeting should be moved to the July 10, 2017 meeting; the Committee agreed. Deborah Bress commented that the Council Recess should be notated in the calendar.

It was moved by Council Member Davis, seconded by Council Member Watanabe, and unanimously carried, that the Committee refer the 2018 Council and Authorities Concurrent Meeting Dates, with the Committee's recommendations, to the full City Council for final review and approval.

5. Review of Legislative Policy

The Community Relations Manager presented a PowerPoint presentation on CMD 50 'Review of Legislation' and reported that the City Manager's Office would review proposed legislation, seek assistance from applicable departments, and recommend a position and potential action. CMD 50 'Review of Legislation' includes that, if it is consistent with prior Council action or City's overall guiding principles, the Mayor or City Manager may sign a letter supporting or opposing proposed legislation. The Committee discussed how the City Council could identify and adopt annual legislative action priorities to provide more detailed guidance in alignment with the City's goals and priorities. Council Member Davis suggested that legislative action priorities could be identified at the annual Goal Setting meeting. Deborah Bress made general comments regarding the public's input on the City's legislative action priorities. The Chair directed staff to review the language in CMD 50 'Review of Legislation' to create a Policy and Procedure (P&P) and report back at the October Governance Committee meeting.

6. Review of Council Committee Agenda and Minutes Templates/Postings to Website

In an effort to maintain consistency and clarity, the City Manager reported that the City Manager's Office held a meeting to bring consistency to agendas, minutes, and postings to the City's website. The Community Relations Manager presented the templates that were reviewed during the meeting. Council Member Davis inquired if templates would be available for commissions. The Community Relations Manager commented that the City has designed a template that is currently being tested by the Charter Review Committee. Scott Lane commented regarding the possibility of having a screen that could display the agenda during City Council meetings. Deborah Bress commented that cancellation notices should include why a meeting was cancelled and if it is rescheduled to a future date. The Community Relations Manager reported the City Hall Council Chambers was currently being remodeled to include an upgraded control room with High Definition cameras to enhance the streaming of video and audio during televised City Council meetings; the Staff Conference room will be upgraded with the streaming technology at a future date. Chair O'Neill directed staff to bring a template for cancellation notices for review back to a future Governance Committee meeting.

7. Update on Workplan Items

The Community Relations Manager reported that the previously discussed draft sponsorship policy and gift policy are undergoing revisions and will be presented at the September Governance Committee meeting. The Chair commented that the proposed draft policy for commemorative flags would be coming back to the September Governance Committee meeting. The Chair suggested that the Committee review the Legislative Policy as the workplan item for October.

8. Adjournment

The Chair adjourned the meeting at 5:42 p.m.



GIFTS TO THE CITY

PURPOSE

To establish the process for accepting gifts to the City and directly to elected and appointed City officials, including Board and Commission members, and individual City employees as part of their official assigned duties and responsibilities.

POLICY

Elected and appointed City officials and City employees shall not accept any service which would be required or expected in the regular course of City official business nor accept any gifts, gratuities, or favors of any kind which might be perceived or interpreted as an attempt to influence actions of the City Council or City Administration. All gifts may not be accepted unless they are done so in accordance with this policy.

For the purposes of this policy, the term “gift” is used to include any monetary, discounted price, in-lieu contributions, volunteer services, or exchange of property use or services.

Gifts may be tangible or intangible. A service or a goodwill gesture rendered free or below cost to the City government may be considered a gift to the City. Before the City Manager accepts gifts of any kind, he/she must review any conditions imposed by the donor and be satisfied that acceptance would be beneficial and not unduly burdensome to the City. If it is determined that the donor may be coming before Council in the near future for action or a decision, plus to avoid the potential for a quid pro quo situation, or to avoid even the potential appearance on any impropriety, the gift should not be accepted.

Under this directive, gifts are accepted on behalf of the City overall, not to a specific Department or individual, and must be presented to the City Manager. If the City Manager approves acceptance of the gift, he/she shall determine what Department/function/individual the gift will be applied. The City Manager cannot be the end- recipient of the gift.

This policy must also comply with Santa Clara City Code Chapter 2.155, Regulation of Lobbying Activities, Section 2.155.130, entitled, “Gifts” which clearly forbids any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.



GIFTS TO THE CITY (cont.)

Fair Political Practices Commission (FPPC) regulation §188944.2 requires that if a gift is given for a specific position or individual's use, FPPC Form 801 should be completed in addition to memorializing the receipt of the gift in "a written public record." If the City retains ownership of the gift, and there are no specific end-recipients or users of the gift, the City does not need to complete FPPC Form 801.

PROCEDURE

1. When a gift has been offered to the City, the City Manager shall consider the following information:
 - a) Reasons for the offer
 - b) Conditions attached to the gift
 - c) Potential liability to the City, the donor, or the public
 - d) Benefits and drawbacks
 - e) Costs to the City, including estimated maintenance and repair
 - f) Public perception and inferred (rightly or wrongly) commitments
2. If the City Manager approves a gift/donation valued over \$1,000, the donor shall be invited to a Council Meeting to be recognized under a Special Order of Business and a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s).
3. If the City Manager approves a gift/donation under the value of \$999, a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s).
4. If the City Manager determines it is not in the best interest of the City to receive the donation or gift, a letter declining the offer signed by the City Manager will be transmitted to the donor(s).
5. The City Manager shall prepare a report of all gifts received by the City and presented to the City Council on a quarterly basis.



GIFTS TO THE CITY (cont.)

6. If required, the FPPC Form 801 shall be completed and signed by the City Manager within 30 days of acceptance of the gift made accessible on the City's website and maintained by the City Clerk for a minimum of four years after the form is filed.



DONATIONS TO THE CITY

PURPOSE

To establish the process and provide guidance when individuals, community groups, and businesses wish to make donations to the City.

POLICY

Donations may be offered in the form of cash, real or personal property. For the purpose of this policy, the term “designated donation” is used for to include any donation where the donor specifies intended use by a particular City department, location, or purpose. An undesignated donation means those donations that are given to the City for an unspecified use. Designated donations may only be accepted when they have a purpose consistent with the City’s goals and objectives and are in the best interest of the City. Donations of any kind which might be perceived or interpreted as an attempt to influence actions of the City Council or City Administration will not be accepted.

Under this directive, all donations must be presented to the City Manager. If the City Manager approves acceptance of an undesignated donation, he/she shall determine what Department the donation will be applied. If a designated donation, the City Manager will review the donation for compliance with this policy and process in accordance with the donor’s request. The City Manager cannot be the end-recipient of a donation.

This policy must also comply with Santa Clara City Code Chapter 2.155, Regulation of Lobbying Activities, Section 2.155.130, entitled, “Gifts” which clearly forbids any lobbyist to deliver or cause to be delivered any donation to any City official, and for any City official to accept any donation from a lobbyist.

All donations must adhere to City standards, including size and inscription on monumental signage; make and model of equipment; and must fit an otherwise unmet need.



DONATIONS TO THE CITY (cont.)

PROCEDURE

Based on the value of the donation, the City Manager will review the conditions of any designated donation and determine if the benefits warrant acceptance of the donation. Requirements for accepting donations include:

- a) Reasons for the offer
 - b) Conditions attached to the donation
 - c) Potential liability to the City, the donor, or the public
 - d) Benefits and drawbacks
 - e) Costs to the City, including estimated maintenance and repair public perception and inferred (rightly or wrongly) commitment
1. If the City Manager approves a donation valued over \$1,000, the donor shall be invited to a Council Meeting to be recognized under a Special Order of Business and a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s).
 2. If the City Manager approves a donation under the value of \$999, a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s).
 3. If the City Manager determines it is not in the best interest of the City to receive the donation or gift, a letter declining the offer signed by the City Manager will be transmitted to the donor(s).
 4. The City Manager shall prepare a report of all donations received and given by the City and present it to the City Council on a quarterly basis.



SPONSORSHIP POLICY

PURPOSE

To establish a standardized process to promote significant and special events and to be a guide for the City in pursuit of sponsorships for public programs and events.

Community sponsorships can be an effective means of generating new revenue and building community partnerships. Private advertising and sponsors will provide an opportunity to develop partnerships with businesses and organizations that share the City's commitment to providing high quality public services, while raising revenues to support and potentially enhance the delivery of services.

DEFINITIONS

Sponsorship: A sponsorship is any financial or in-kind support from the City (City staff time, public safety services, use of City facilities or property, permit fees, etc.) to the organizing agency that helps offset the costs of the event operations

Sponsor: A company, organization or individual who provides the City with financial support of an event or program that helps offset the costs of event operations

Sponsorship Agreement: A negotiated agreement between the City and a company, organization, or individual to pay a fee, provide services, share products or any combination thereof, including advertising and promotional opportunities between the City and a company, organization, or individual.

Event: a local celebration, fundraiser, athletic, cultural or educational activity that demonstrates a public benefit that meets the criteria established below.

ELIGIBILITY CRITERIA

Event Types shall include the following:

- a) Events providing a benefit to Santa Clara residents
- b) Events that contribute positively to the recognition and image of the City of Santa Clara
- c) Events that are open to the general public
- d) Events and organizations that demonstrate that they can meet the necessary requirements of the Sponsorship Agreement
- e) The organization's goals must align with established Council goals



SPONSORSHIP POLICY (cont.)

Restrictions:

- a) In general, religious and political organizations are not eligible for facility or program sponsorships with the City, nor are businesses, organizations or individuals whose primary products are firearms, tobacco, alcohol, and/or any other subject matter not deemed appropriate by the City Manager.
- b) The City reserves the right to decline any sponsor or sponsorship proposal that appears to be in direct competition with City services/products.
- c) No advertising or sponsorship recognition will be allowed on City uniforms unless the clothing is designed specifically for the event or program and has a specified time frame.
- d) Other factors that might undermine the public confidence in the City's impartiality or interfere with the efficient delivery of City services or operations.
- e) In all cases, the City reserves the right to reject any and all sponsors and sponsorship proposals if the criteria as outlined is not followed or there is the existence of a potential conflict of interest or appearance of a conflict of interest.
- f) The City Manager or his designee may solicit sponsorships or he/she may authorize department heads to solicit sponsorships for City-wide events. In the event a consultant is hired to assist with solicitation needs, the City Manager may authorize in accordance with their contract authority or, if over that threshold, the contract will be brought to City Council for approval.



SPONSORSHIP POLICY (cont.)

POLICY

Sponsorship applications may be submitted to the City Manager's Office and will be evaluated on a case by case basis related to the eligibility requirements, purpose and goals of each independent event.

Sponsorship agreements projected to generate or where the level of in-kind contributions valued in excess of the City Manager's contract authority shall be brought before the City Council.

Sponsorship opportunities with nominal cost of in-kind contributions (e.g., advertising, permit fees, etc.) may be approved at the Department Head level with written notification to the City Manager.

Evaluation of sponsorship opportunities shall be fair and impartial.

Sponsorship recognition messages may identify the sponsor but should not endorse the organization's products or services.

Sponsorship opportunities include but are not limited to:

1. Advertising: Advertising provides the sponsor with the opportunity to advertise through a variety of City marketing materials, including print and digital advertising.
2. Programs: Sponsorship of City programs provides the opportunity for the sponsor's name and logo to appear in advertising and marketing materials related to the program.
3. Special Events: Event sponsorship is offered through various sponsorship packages, each package benefit's varying in relation to the level of sponsorship.



SPONSORSHIP POLICY (cont.)

PROCEDURE

1. Sponsorship applications must be submitted to the City Manager's Office for review and will be evaluated on the criteria set within this policy.
2. If the City Manager determines it is not in the best interest of the City to receive the donation or gift, a letter declining the offer signed by the City Manager will be transmitted to the donor(s).
3. If necessary, Sponsorship Agreements will be brought before the City Council for approval if they exceed the City Manager's contract authority.



COMMEMORATIVE FLAGS POLICY

PURPOSE

To establish clear guidelines for the display of commemorative flags at City Hall.

POLICY

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

Commemorative flags may be displayed only by adoption of a resolution by the City Council and as an expression of the City's official sentiments. Consistent with the City's mission and Code of Ethics and Values, it is expected that these flags incorporate themes of diversity, equality, social justice and inclusion.

PROCEDURE

Commemorative flags shall be displayed according to the following procedure:

1. Shall be displayed only by adoption of a resolution by the City Council; and
2. Shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 45 continuous days; and
3. Shall be paid for and provided by the organization, group or representative(s) of the community being recognized; and
4. In conformance with Federal and State statutes, including Title 4, Chapter 1, of the United States Code and Section 430 through 439 of the California Government Code, commemorative flags:
 - a) Shall be flown at City hall, exclusively under the City of Santa Clara flag;
 - b) Shall be no larger than three feet by five feet and no smaller than two feet by 4 feet;
 - c) Shall comply with any other rules pertaining to commemorative flags in the above referenced Federal and State statutes not explicitly stated in this Policy.