



## CITY ATTORNEY'S OFFICE

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## CITY COUNCIL STAFF REPORT

Meeting: March 5, 2024

### **Subject**

Revisions to Cupertino City Council Procedures Manual

### **Recommended Action**

Provide input regarding revisions to Cupertino City Council Procedures Manual

### **Reasons for Recommendation**

On February 7, 2023, the City Council adopted Resolution No. 23-021, approving the Cupertino City Council Procedures Manual ([Attachment A](#)). The adoption of the Procedures Manual addressed an identified deficiency in the City's governance policies, and includes rules and guidelines for communication, meeting management, decorum, and decision making.

As part of the motion to adopt Resolution No. 23-021, the City Council directed the City Attorney to return to the Council to consider potential revisions to the Manual in six months. On September 6, 2023, Council voted to table consideration of revisions to the Manual for six additional months. The continued item is now before Council for its consideration.

Moss Adam LLP's July 2023 Enterprise Leadership Assessment ([Attachment B](#)) describes the Manual as "[i]n alignment with practice" and characterizes the adoption of the Manual as "positive progress toward increasing the effectiveness of City Council meetings." Consistent with this observation, the average length of a regular meeting has decreased slightly, from 5.5 hours in calendar year 2022 to 5.2 hours in calendar year 2023, and more significantly, the total number of meetings has been almost cut in half (from 43 from January–August 2022 to 24 from January–August 2023). Total meeting time was reduced by approximately one-third.

Factors contributing to the reduced meeting time include efficient use of the newly adopted informational calendar, more efficient Council deliberations, and an increased focus on Council's policymaking responsibilities. The Enterprise Leadership Assessment also observes that "[i]nterviewed staff generally noted that the Procedure Manual is a welcome improvement." However, the Assessment goes on to note that the value of the

Manual “is highly dependent on whether City Council adheres to the practices described within” and that “ongoing challenges remain to ensure that [Council] meetings are productive and timely.”

Council may consider revisions to the Manual to address ongoing concerns regarding the efficiency, effectiveness, and transparency of Cupertino City Council meetings. Potential revisions Council may consider, some of which are also identified in the Enterprise Leadership Assessment, include the following:

- **Section 4:** Clarify the distinctions between and naming conventions for advisory Brown Act bodies (commissions and committees).
- **Section 5.6:** Incorporate the Enterprise Leadership Assessment’s recommendations regarding Council training into the Procedures Manual (or in a separate Council training policy) (see Recommendation 7.C).
- **Section 8.2:** Revise the rules of order to improve the efficiency and effectiveness of Council deliberations (for example, by limiting the use of friendly amendments or substitute motions, prohibiting the unilateral withdrawal of a motion by the movant).
- **Section 8.3:** Formalize the adopted practice of providing written reports of Council activities.
- **Section 8.4:** Develop more detailed procedures for shortening and consolidating time for public comments, and consider adopting overall time limits for comments by individual speakers; consider modifications to procedures for removing items from the consent calendar.
- **Section 8.8:** Consider revisions to procedures to improve Council deliberations and implementation of related procedural rules (e.g., time limits for Council questions and deliberations).
- **Section 10:** Include more detailed enforcement procedures.

In addition, Council may consider providing direction for staff to return periodically for Council input on revisions to the Procedures Manual. The City Attorney’s Office recommends that updates be considered at frequency of two to four years.

These revisions have the potential to support further improvements in efficiency of Council meetings, the clarity of Council deliberations, and decorum among Councilmembers. However, as noted in the Enterprise Leadership Assessment Report, no procedural rule will be entirely successful improving Council operations without a good-faith commitment by all Councilmembers to comply with the rules and attempt to achieve their underlying goals.

Staff seeks direction on potential revisions to the Council Procedure Manual and will return to seek Council approval of any revisions, consistent with Council direction.

**Sustainability Impact**

No sustainability impact.

**Fiscal Impact**

No fiscal impact.

**California Environmental Quality Act**

Not applicable.

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Prepared by:

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Approved for Submission by:

Pamela Wu, City Manager

**Attachments:**

A - Resolution No. 23-021 (Cupertino City Council Procedures Manual)

B – Enterprise Leadership Assessment