

RESOLUTION NO. 24-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
 RESCINDING RESOLUTION NO. ~~10-04816-137~~ AND AMENDING THE
 RESOLUTION ESTABLISHING RULES GOVERNING RECRUITMENT,
 ATTENDANCE, APPOINTMENTS, AND VACANCIES ON CITY ADVISORY
 BODIES ~~TO ADD DESIGNATED ALTERNATES TO THE INTERVIEWS AND
 APPOINTMENTS PROCESS~~**

WHEREAS, the City of Cupertino wishes to establish uniform terms and conditions of office for advisory commissions; and

WHEREAS, there are within the City of Cupertino many citizens with talent, expertise, and experience who wish to serve the community; and

WHEREAS, the City Council believes it is important to provide these citizens the opportunity to contribute to their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino rescinds Resolution No. ~~10-04816-137~~ and establishes the following rules governing recruitment, appointment, and reappointment to City of Cupertino Advisory bodies.

A. RECRUITMENT

1. Two months before regular terms expire, or immediately following receipt of a resignation, the City Clerk distributes the vacancy notice through a broad variety of resources when available, such as:~~as follows:~~
 - The Cupertino Scene
 - The Cupertino Courier
 - The World Journal
 - The Cupertino City Channel
 - City Hall bulletin board
 - The City Clerk's Office
 - The Cupertino Library
 - The Cupertino Chamber of Commerce
 - Cupertino City Web site
 - Other organizations as that the City Clerk determine to be appropriate ~~with respect to the openings to solicit applications for the vacant positions~~
 - All persons with applications on file for that particular commission

2. Two months before regular terms expire, the City Clerk's Office also ~~distributes mails~~ the vacancy notice to the following individuals:
 - ~~Students Members and graduates of~~
~~Cupertino~~ interested residents registered with the
Cupertino Citizen Corps, including Community Emergency
Response ~~Training~~
 - ~~Students or graduates of Leadership Team (CERT), Medical Reserve~~
~~Corps, and~~ Cupertino Amateur Radio in Emergency Services
(CARES)
 - Neighborhood Block Leaders and Neighborhood Watch volunteers
 - Individuals who have signed up for notification ~~at the Cupertino~~
~~Town Hall for City Council~~ meetings or commission meetings
3. All vacancy notices and posting shall be done in accordance with the provisions of the Maddy Act, California Government Code 54970 et seq. Specifically, vacancy notices shall be posted for a minimum of 10 days.
4. Applications will ~~be retained~~ remain active for ~~a maximum of~~ one year after Council review. After that time, applicants shall submit a new application if they wish to remain on the list for consideration.
5. Those persons with applications on file within one year of Council review are advised of the vacancy by the City Clerk and may activate that application. Upon receipt of the vacancy notice, the applicant must contact the City Clerk's Office and ask that the application be reactivated.
6. An applicant may file for a maximum of two commissions at any one application period.
7. A member of an advisory body, having completed two consecutive terms, must wait two years after the term would have normally ended before being eligible to apply for the same commission or committee.
8. Application forms will ~~be available in the City Clerk's Office and will~~
~~be mailed upon request with information about the opening(s).~~
~~Application forms) will also~~ be available on the City's ~~Web~~
site website.
9. No application shall be accepted after the deadline.

10. When the final deadline has passed, the City Clerk's Office will ~~mailemail~~ applicants the date, time and location of the interviews along with sample questions to consider.
11. The City Clerk's Office will copy the applicants' written material for Council members. The written material will also be available for public review in the City Clerk's Office.
- ~~12. An applicant who is unable to attend the interview may submit a 5-minute video presentation in advance of the interview meeting. The tape will be reviewed at the meeting. The video will be made by City staff at the applicant's request upon the approval of the City Clerk. The City will fund these costs.~~

B. INTERVIEWS AND APPOINTMENTS

1. When Council meets to conduct interviews, it is a public meeting subject to the Brown Act and therefore open to the public. The candidates will be asked by the City Clerk (either in person or by written instructions left in the waiting area) to remain seated in the waiting area until they are called in for the interview. Candidates will also be asked to return to the waiting area until the announcement of the vote, or to go home and contact the City Clerk's Office the next day regarding the results. However, all applicants and members of the public have the option of remaining in the room for any or all of the meeting.
- ~~2. The City Manager or their designee shall establish criteria for service on each commission or committee based on the requirements of the Municipal Code, familiarity with the subject matter of the commission or committee, and/or demonstrated ability to conduct the work of the advisory body. The City Manager or their designee shall present all applicants meeting established criteria to Council for an interview. However, all Councilmembers would retain the ability to review all applications to invite candidates who submitted responsive applications and were not selected for an interview. Council would retain full discretion to appoint the candidate of its choosing.~~
- ~~2.3.~~ The order in which interviews are scheduled to take place will be determined by a drawing of names. The City Clerk will do this in advance.

~~3.4.~~ Interviews are informal and usually last 5-8 minutes. Council members are looking for:

- Familiarity with the subject and/or demonstrated ability to conduct the work of the advisory body
- Decision-making ability
- Commitment to the position for which they have applied

~~4.5.~~ Appointments will be made following a vote in public. ~~Ballots will be distributed, and Council members will vote and sign the ballots.~~ The City Clerk will announce the votes.

~~5.~~ ~~The City Council may appoint alternates to serve on boards, commissions and committees in the event of a vacancy. Such alternates may attend and participate in meetings of the board, commission, or committee but shall not vote in such meetings until such time as a vacancy has occurred and the alternate has filled such vacancy. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission, or committee, the first alternate shall fill such vacancy without the need for further City Council action.~~

C. **UNSCHEDULED VACANCIES ~~AND~~, ATTENDANCE, AND TRAINING**

1. If a vacancy occurs for an unexpired term and interviews for appointment to that advisory body have been conducted within the previous ninety days, the unexpired term may be filled from those applications following the required posting of the vacancy.
2. The notice of unscheduled vacancy shall be posted no earlier than 20 days before nor later than 20 days after the vacancy occurs, and at least 10 working days before appointment. The notice of unscheduled vacancy must be posted in the Office of the City Clerk, at the City Hall bulletin board, at the Cupertino Library, and in other places designated by the City Clerk.
3. A member shall be considered removed from an advisory body under the following conditions:
 - A member misses more than three consecutive meetings
 - A member misses more than 25% of the advisory body's regular meetings in a calendar year

- A member fails to comply with legally required training or conflict of interest reporting requirements after receiving notice and a reasonable opportunity to correct the noncompliance

4. It is the responsibility of the advisory body's staff liaison to notify the City Clerk of a member's attendance record to allow sufficient time to send a warning notice if the member has missed three consecutive meetings or 25% of the regular meetings, and to send a termination notice if the member has missed more three consecutive meetings or more than 25% of the regular meetings in a calendar year.
5. A member who has been removed from an advisory body for inadequate attendance, failure to complete a legally required training, or noncompliance with conflict of interest reporting requirements may request a waiver of this provision by submitting a letter to the City Council setting forth the reason for the absences and confirming future availability.

D. GENERAL PROVISIONS

1. Term limit restrictions listed in this resolution do not apply to temporary appointments for unexpired terms.
2. All provisions of this resolution shall apply unless otherwise decided by the City Council on a case-by-case basis.
3. In the event that any provision of this resolution conflicts with the provisions of any other ordinance or City Council resolution governing a particular advisory body, the provisions of the ordinance or the resolution governing ~~that~~the particular advisory body shall prevail.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5th day of March, 2024, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Sheila Mohan, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date