

CHAPTER 2.32: PLANNING COMMISSION*

Section

- 2.32.010 Established.
- 2.32.020 Terms of Office.
- 2.32.030 Vacancy or removal.
- 2.32.040 Chairperson.
- 2.32.050 Meetings.
- 2.32.060 Amendments–Records.
- 2.32.070 Powers and functions.
- 2.32.080 Procedural rules.

* For statutory provisions regarding the establishment of a city planning commission, see Gov. Code § 65100 et seq. -- See Title 17, Zoning.

* Prior ordinance history: Ords. 5, 5(b), 5(c), 5(d), 167, 1166, 1213, 1321, 1459, 1549 and 1697.

2.32.010 Established.

The City Planning Commission is established. The City Planning Commission shall consist of five members, none of whom shall be officials or employees of the City and none of whom shall cohabit with as defined by law, nor be related by blood or marriage to any other member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The five members shall be appointed by the City Council. Each member shall be a qualified elector in and resident of the City. Each member shall receive compensation as established by resolution of the City Council.

(Ord. 1787, § 1 (part), 1998)

2.32.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Planning Commission shall be four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment, and rules governing incumbent members of the Commission are governed by the Resolution of the City Council which governs advisory bodies.

(Ord. 18-2180, § 1 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1787, § 1 (part), 1998)

2.32.030 Vacancy or Removal.

Any appointed member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the Mayor's appointment for the unexpired portion of the term.

(Ord. 1787, § 1 (part), 1998)

2.32.040 Chairperson.

The commission shall elect its Chairperson and Vice- Chairperson from among its members. The terms of the Chairperson and Vice-Chairperson shall be for one year.

(Ord. 2015, § 7, 2008; Ord. 1787, § 1 (part), 1998)

2.32.050 Meetings.

A. The City Planning Commission shall hold regular meetings on the second and fourth Tuesdays of each month at six forty-five p.m. and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Such adjourned meetings may likewise be adjourned and any so adjourned meeting shall be a regular meeting for all purposes.

City Planning Commission meetings that fall on legal holidays shall automatically be moved to the following day.

B. Special meetings of the Commission may be called at any time by the Chairperson or by any three or more members of the Commission upon written notice being given to all members of the Commission and received by them at least twenty-four hours prior to the meeting, unless notice requirement is waived in writing by the member.

(Ord. 1942, 2004; Ord. 1787, § 1 (part), 1998)

2.32.060 Amendments–Records.

A. The affirmative vote of not less than a majority of its total voting members is required to approve a recommendation to amend the zoning ordinance; the affirmative vote of a majority present with a quorum present is required to take any other action.

B. The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the Council as may be required by ordinance or resolution, and shall submit an annual report to the Mayor. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 1 (part), 2018; Ord. 1787, § 1 (part), 1998)

2.32.070 Powers and Functions.

The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law;
- H. Establish as needed a standing subcommittee of the Commission for Design Review. The Planning Commission shall decide appeals of the Design Review Committee for the purposes of conducting design review on projects that properly come before the Design Review Committee for review, and conduct design review of a project as required by Chapters 2.90, 19.132, 19.134 and of the Cupertino Municipal Code.

(Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)

2.32.080 Procedural Rules.

The Planning Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be subject to approval by the Council before becoming effective. All such rules shall be kept on file with the Chairperson of the Planning Commission and the Mayor and a copy thereof shall be furnished to any person upon request.

(Ord. 1844, § 1 (part), 2000; Ord. 1787, § 1 (part), 1998)

CHAPTER 2.36: PARK AND RECREATION COMMISSION*

Section

- 2.36.010 Established.
- 2.36.020 Terms of Office.
- 2.36.030 Members–Vacancy or removal.
- 2.36.040 Chairperson.
- 2.36.050 Meetings.
- 2.36.060 Majority vote required.
- 2.36.070 Records.
- 2.36.080 Powers and Functions.
- 2.36.090 Procedural rules.
- 2.36.110 Effect.

* For statutory provisions regarding parks and playgrounds, see Gov. Code § 38000 et seq.; for provisions regarding municipal control of certain parks, see Public Resources Code § 5181 et seq.

2.36.010 Established.

The Parks and Recreation Commission of the City is established. The Parks and Recreation Commission shall consist of five members who are residents of the City, none of whom shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. The five members shall be appointed by the City Council.

(Ord. 1639, (part), 1993; Ord. 1460, (part), 1988; Ord. 1083, (part), 1980; Ord. 739, (part), 1976; Ord. 303, § 2.1, 1965)

2.36.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Parks and Recreation Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 2 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1639, (part), 1993; Ord. 1460, (part), 1988; Ord. 1321, § 1 (part), 1985; Ord. 1166, (part), 1982; Ord. 739, (part), 1976; Ord. 303, § 3.1, 1965)

2.36.030 Members–Vacancy or Removal.

Any appointee member may be removed by a majority vote of the total membership of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the appointment by the City Council for the unexpired portion of the term.

(Ord. 15-2127, § 1, 2015; Ord. 303, § 4.1, 1965)

2.36.040 Chairperson.

The Commission shall elect its Chairperson and Vice-Chairperson from among its members. The terms of the Chairperson and Vice-Chairperson shall be for one year.

(Ord. 2015, § 6, 2008; Ord. 1697, (part), 1995; Ord. 1321, § 2 (part), 1985; Ord. 1167, (part), 1982; Ord. 303, § 5.1, 1965)

2.36.050 Meetings.

The City Park and Recreation Commission shall establish a regular place of meeting and rules of conduct thereof, and shall hold at least one regular meeting each month. Special meetings of the Commission may be called at any time by the Chairman or by any three or more members of the Commission upon personal notice being given to all members of the Commission. If personal notice cannot be given, written notice must be mailed to such members at least twenty-four hours prior to the meeting, unless the notice requirement is waived in writing to the member.

(Ord. 1639, (part), 1993; Ord. 739, (part), 1976; Ord. 303, § 6.1, 1965)

2.36.060 Majority Vote Required.

A majority vote is required to approve a recommendation or on any matter that is presented to the Commission which requires a vote.

(Ord. 303, § 7.1, 1965)

2.36.070 Records.

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 2 (part), 2018; Ord. 15-2127, § 2, 2015; Ord. 303, § 7.2, 1965)

2.36.080 Powers and Functions.

The powers and functions of the City Park and Recreation Commission shall be as follows:

A. To hold hearings on matters pertaining to planning and development of parks, cultural activities, historical resources, recreation, community services (including, but not limited to schools and senior services), and capital expenditures related to community activities and facilities;

B. To conduct such other hearings as are necessary and in accordance with its own rules and regulations;

C. To report its decisions and recommendations in writing to the City Council;

D. To consider, formulate and propose programs, activities, resources, plans and development designed to provide for, regulate and direct the future growth and development of community activities, parks and a recreation system in order to secure to the City and its inhabitants better service;

E. To make investigations and reports for future acquisition of park sites;

F. To make, in its advisory capacity, any and all recommendations to the City Council relating to the above matters, including the extension of the parks, recreation system and community activities to outlying areas of the City;

G. In cooperation with the Director of Recreation and Community Services, the Commission will consider, review, and evaluate parks, recreation programs, and community activities;

H. To consider, formulate, and propose cultural activities and historical preservation for the City and its residents.

(Ord. 18-2180, § 2 (part), 2018; Ord. 15-2127, § 3, 2015; Ord. 739, (part), 1976; Ord. 497, § 1, 1971; Ord. 303, § 8.1, 1965)

2.36.090 Procedural Rules.

The City Park and Recreation Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its functions. Such rules shall be recommended to the Director of Recreation and Community Services and shall be subject to approval by the City Council before becoming effective. All such rules shall be kept on file with the Chairman of the City Park and Recreation Commission, the department office, and the Mayor, and a copy thereof shall be furnished each Commissioner and any other person upon request.

(Ord. 15-2127, § 4, 2015; Ord. 303, § 9.1, 1965)

2.36.110 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City Officers, or the delegation to the Parks and Recreation Commission of any authority or discretionary powers imposed by law in such Council or officers. The City Council declares that the public interest and convenience require the appointment of a Parks and Recreation Commission to act in a purely advisory capacity to such Council.

(Ord. 1083, (part), 1980)

CHAPTER 2.60: PUBLIC SAFETY COMMISSION

Section

- 2.60.010 Established.
- 2.60.020 Terms of Office.
- 2.60.030 Vacancy–Removal.
- 2.60.040 Meetings–Quorum–Officers–Staff.
- 2.60.050 Compensation–Expenses.
- 2.60.060 Records.
- 2.60.070 Duties–Responsibilities.
- 2.60.080 Effect.

2.60.010 Established.

The Public Safety Commission of the City is established. The Public Safety Commission shall consist of five members, all of whom shall reside within the City and shall be appointed by the City Council. None shall be officials or employees of the City, members of the Sheriff's Department of the County, either regular or reserve, nor shall they be members of the Central Fire Protection District. No members of the Public Safety Commission shall cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission.

(Ord. 1463, (part), 1988; Ord. 1432, 1988; Ord. 574, § 1, 1973)

2.60.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Public Safety Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 4 (part), 2018; Ord. 2015, § 8, 2008; Ord. 1463, (part), 1988; Ord. 1321, § 1 (part), 1985; Ord. 1166, (part), 1982; Ord. 574, § 2, 1973)

2.60.030 Vacancy–Removal.

Any appointee member may be removed by a majority vote of the total membership of the City Council. Vacancies shall be filled by appointment by the City Council, and shall be for the unexpired portion of the term of office vacated.

(Ord. 574, § 3, 1973)

2.60.040 Meetings–Quorum–Officers–Staff.

The Public Safety Commission shall hold regular meetings at least once every other month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient. A majority of the Public Safety Commission shall constitute a quorum for the purpose of transacting the business of the Commission. The Public Safety Commission shall elect a chairperson and a vice-chairperson, both of whom shall serve at the pleasure of the Commission. Terms of the chairperson and vice-chairperson shall be for one year. Upon approval of the City Council, the City Manger may appoint a secretary who need not be a member of the Commission. Staff services as required shall be provided to the Commission by the City Manager.

(Ord. 2015, § 8, 2008; Ord. 1964, § 1, 2005; Ord. 1321, § 2 (part), 1985; Ord. 1167, (part), 1982; Ord. 574, § 4, 1973)

2.60.050 Compensation–Expenses.

Members of the Public Safety Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacities shall be paid by appropriate action of the City Council.

(Ord. 574, § 5, 1973)

2.60.060 Records.

The Commission shall keep a record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 4 (part), 2018; Ord. 574, § 6, 1973)

2.60.070 Duties–Responsibilities.

The duties and responsibilities of the Public Safety Commission shall be to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to safety, traffic, police, fire and other areas wherein the matter of public safety may be of concern;
- B. Hold hearings and formulate policies and procedures with respect to the foregoing for approval by the City Council;
- C. Perform such other tasks as may be expressly requested of it by the City Council.

(Ord. 574, § 7, 1973)

2.60.080 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City officers, or the delegation to the Public Safety Commission of any authority or discretionary powers imposed by law in such council or officers. The City Council declares that the public interest, convenience, welfare and necessity require the appointment of a Public Safety Commission to act in a purely advisory capacity to such Council, for the purpose enumerated in this chapter.

(Ord. 574, § 8, 1973)

CHAPTER 2.68: LIBRARY COMMISSION

Section

- 2.68.010 Established.
- 2.68.020 Terms of Office.
- 2.68.030 Vacancy–Removal.
- 2.68.040 Meetings–Quorum–Officers–Staff.
- 2.68.050 Compensation–Expenses.
- 2.68.060 Records.
- 2.68.070 Duties–Powers–Responsibilities.
- 2.68.080 Effect.

2.68.010 Established.

The Library Commission of the City is established. The Library Commission shall consist of five members, at least three of whom must be residents of the City of Cupertino and none of whom shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. Members of the Library Commission shall be appointed by the City Council.

(Ord. 1464, (part), 1988; Ord. 679, (part), 1975)

2.68.020 Terms of Office.

A. Commission members serve at the pleasure of the City Council. The term of office of the members of the Library Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 5 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1464, (part), 1988; Ord. 1321, § 1 (part), 1985; Ord. 1166, (part), 1982; Ord. 679, (part), 1975)

2.68.030 Vacancy–Removal.

Any appointee member may be removed by a majority vote of the total membership of the City Council. Vacancies shall be filled by appointment by the City Council, and shall be for the unexpired portion of the term of office vacated.

(Ord. 679, (part), 1975)

2.68.040 Meetings–Quorum–Officers–Staff.

The Library Commission shall hold regular meetings at least once every other month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient. A majority of the Library Commission shall constitute a quorum for purposes of transacting the business of the Commission. The Library Commission shall elect a chairperson and a vice-chairperson, both of whom shall serve at the pleasure of the Commission. Terms of office for the chairperson and vice-chairperson shall be for one year. Staff services as required shall be provided to the Commission by the City Manager.

(Ord. 2015, § 5, 2008; Ord. 1964, § 2, 2005; Ord. 1321, § 2 (part), 1985; Ord. 1167, (part), 1982; Ord. 679, (part), 1975)

2.68.050 Compensation–Expenses.

Members of the Library Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacities shall be paid by appropriate action of the City Council.

(Ord. 679, (part), 1975)

2.68.060 Records.

The Commission shall keep a record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 5 (part), 2018; Ord. 679, (part), 1975)

2.68.070 Duties–Powers–Responsibilities.

The Library Commission shall have the following duties, powers and responsibilities, and such other as they may be entrusted with by the City Council from time to time:

A. Consult with the City Council, the City staff and the Santa Clara County Library Joint Powers Authority and staff regarding the functioning of the physical facilities of the Cupertino Library and shall make recommendations from time to time for improvement or modification thereof;

B. Consult with the City Council, the City staff and the Santa Clara County Library Joint Powers Authority and staff regarding the Cupertino Library programs and services to the community and shall make recommendations from time to time for improvements or modifications thereof;

C. Consult with and act as liaison with private community groups supportive of the library program;

D. Consult with the architect and the City Council in the planning of any main or branch library building facilities, including locations, building layout, architecture, landscaping and furnishings;

E. Hold hearings, formulate policies and make rules and procedures with respect to the foregoing for approval by the City Council;

F. Perform such other tasks as may be expressly requested of it by the City Council.

(Ord. 1697, (part), 1995; Ord. 679, (part), 1975)

2.68.080 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City officers, or the delegation to the Library Commission of any authority or discretionary powers imposed by law in such council or officers. The City Council declares that the public interest, convenience, welfare and necessity require the appointment of a Library Commission to act in a purely advisory capacity to such Council, for the purpose enumerated in this chapter.

(Ord. 679, (part), 1975)

CHAPTER 2.74: CUPERTINO TECHNOLOGY, INFORMATION, AND COMMUNICATIONS COMMISSION*

Section

- 2.74.010 Established.
- 2.74.020 Terms of Office.
- 2.74.030 Vacancy–Removal.
- 2.74.040 Meeting–Quorum–Officers–Staff.
- 2.74.050 Records.
- 2.74.060 Duties, powers and responsibilities.
- 2.74.070 Budget.
- 2.74.080 Effect.

* Prior ordinance history: Ords. 1099, 1166, 1167, 1233, 1280, 1321, 1465 and 1697.

2.74.010 Established.

The Technology, Information, and Communications Commission (formerly Telecommunications Commission of the City) is established and shall consist of five members from among the qualified electors of the City, none of whom shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. Members of the Technology, Information, and Communications Commission shall be appointed by the City Council.

(Ord. 2010, 2007; Ord. 1995, (part), 2007; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Technology, Information, and Communications Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 6 (part), 2018; Ord. 1974, § 4 (part), 2006; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.030 Vacancy–Removal.

Any member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term vacancies shall be filled by appointment of the City Council and shall be for the unexpired portion of the term of office vacated.

(Ord. 1965, (part), 2005; Ord. 1714, (part), 1996)

2.74.040 Meeting–Quorum–Officers–Staff.

A. The Technology, Information, and Communications Commission shall hold regular meetings at least once every three months and at the discretion of the Commission shall hold other meetings as may be necessary or expedient. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

B. The Commission shall elect a chairperson and a vice chairperson, both of whom shall serve at the pleasure of the Commission. The terms of office shall be for one year.

C. The City Manager shall appoint a staff member to attend Commission meetings and to provide liaison and support as needed.

D. The Foothill-De Anza Community College District shall appoint a staff member to attend Commission meetings and to provide liaison and support as needed.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.050 Records.

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 6 (part), 2018; Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.060 Duties, Powers and Responsibilities.

The Cupertino Technology, Information, and Communications Commission shall have the following duties, powers and responsibilities, and such others as the members shall be entrusted with by the City Council from time to time. The commission shall:

1. Advise the City Council and City Manager on all matters relating to technology, information, and communications within the city of Cupertino;

2. Evaluate compliance with any franchise or other agreement between the City and technology, information, and communications providers and make recommendations to the City Council;

3. Conduct periodic reviews of technology, information, and communications providers, facilities and products and make recommendations on such subjects to the City Council;

4. Recommend amendments to the City's telecommunications policy of the City Council;

5. Serve as a liaison between the City, the public and the technology, information, and communications providers in enhancing information and education. Such activities include providing an opportunity for input to residents and disseminating noncommercial, educational materials about technology, information, and communications services;

6. At the request of the City Manager, provide assistance in examining methods to obtain equivalent franchise fees or other economic benefits from service providers;

7. Provide support for community access television, especially public and educational access, and give guidance when needed for development and implementation of access channels and programming;

8. Recommend ways to foster the City's best use of technology, information, and communications infrastructure and services for the maximum benefit of the community.

9. Provide education to the community on the use of technology, information, and communications infrastructure and services.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.070 Budget.

The Technology, Information, and Communications Commission shall submit an annual budget to the City Council for its review and approval. All expenditures require the approval of the City Manager or his designee. Any grants for program production or other purposes require the approval of the City Council.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

2.74.080 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City officers or the delegation to the Technology, Information, and Communications Commission of any authority or discretionary powers empowered by law on such Council or officers.

(Ord. 1965, (part), 2005; Ord. 1722, (part), 1996; Ord. 1714, (part), 1996)

CHAPTER 2.80: FINE ARTS COMMISSION

Section

2.80.010 Established.

2.80.020 Terms of Office.

2.80.030 Members—Vacancy or removal.

- 2.80.040 Chairperson.
- 2.80.050 Meetings–Quorum.
- 2.80.060 Majority vote required.
- 2.80.070 Records.
- 2.80.080 Powers and functions.
- 2.80.090 Compensation–Expenses.
- 2.80.100 Effect.

2.80.010 Established.

The Fine Arts Commission of the City is established. The Fine Arts Commission shall consist of five members, none of whom shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission. At least three members shall be City of Cupertino residents. Members of the Fine Arts Commission shall be appointed by the City Council. Membership will be drawn to represent the arts, citizens and business community on an approximately equal basis.

(Ord. 19-2182, § 1, (part), 2019; Ord. 18-2171, 2018; Ord. 1934, (part), 2004; Ord. 1466, (part), 1988; Ord. 1401, (part), 1987)

2.80.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Fine Arts Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms, except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 7 (part), 2018; Ord. 1974, § 2, 2006; Ord. 1705, (part), 1995; Ord. 1466, (part), 1988; Ord. 1401, (part), 1987)

2.80.030 Members–Vacancy or Removal.

Any appointee member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

(Ord. 1401, (part), 1987)

2.80.040 Chairperson.

The Commission shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. Terms of the chair and vice-chair shall be for one year. Upon approval of the City Council, the City Manager may appoint a secretary who need not be a member of the Commission.

(Ord. 2015, § 3, 2008; Ord. 1401, (part), 1987)

2.80.050 Meetings–Quorum.

A. The Fine Arts Commission shall establish a regular place of meeting and rules of conduct thereof and shall hold at least one regular meeting every other month.

B. A majority of the Fine Arts Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(Ord. 1964, § 3, 2005; Ord. 1401, (part), 1987)

2.80.060 Majority Vote Required.

A majority vote is required to approve a recommendation on any matter that is presented to the Commission which requires a vote.

(Ord. 1401, (part), 1987)

2.80.070 Records.

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 7 (part), 2018; Ord. 1401, (part), 1987)

2.80.080 Powers and Functions.

A. The powers and functions of the Fine Arts Commission shall be to foster, encourage and assist the realization, preservation and advancement of fine arts for the benefit of the citizens of Cupertino.

B. To fulfill their mission, the Commission may involve itself in the following activities:

1. Act as a catalyst for the promotion of fine arts activities;
2. Keep current on potential fine arts activities which would be available to the community;
3. Provide liaison between various fine arts activities;
4. Provide a means for coordination for fine arts groups or facilities which may exist within the community;
5. Maintain an inventory of facilities available for related fine arts activities within the community;
6. Provide screening and/or review for fine arts activities wishing to obtain city funds or utilize public facilities;
7. Provide information to the community relating to the arts;
8. Foster the development of public art within the community;
9. Be vigilant in exploring and advancing the range of fine arts activities available to the community;
10. Enhance the interaction between arts and business;
11. Any other activity which may be deemed appropriate and necessary.

(Ord. 1401, (part), 1987)

2.80.090 Compensation–Expenses.

Members of the Fine Arts Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.

(Ord. 1401, (part), 1987)

2.80.100 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council or City officers.

(Ord. 1401, (part), 1987)

CHAPTER 2.86: HOUSING COMMISSION*

Section

- 2.86.010 Established–Composition.
- 2.86.020 Members–Residency–Selection.
- 2.86.030 Terms of Office.
- 2.86.040 Members–Vacancy prior to expiration of a term.
- 2.86.050 Chairperson.
- 2.86.060 Meetings.
- 2.86.070 Compensation–Expenses.
- 2.86.080 Majority vote required.
- 2.86.090 Records.
- 2.86.100 Duties–Powers–Responsibilities.
- 2.86.110 City staff assistance.
- 2.86.120 Procedural rules.
- 2.86.130 Effect.

* Editor's note: The title of this chapter was amended from Housing Committee by Ord. 1892, and from Affordable Housing Committee by Ord. 1722.

2.86.010 Established–Composition.

A. The Housing Commission of the City is established. The Housing Commission shall consist of five members as follows:

1. Representative from a Cupertino business,
2. Four community members,

B. The representatives from a Cupertino business and the community members shall not be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage, to any member of the Commission, the City Manager or the staff person(s) assigned to this Commission.

C. The Director of Community Development, or his or her designee, shall provide technical assistance to the Commission.

(Ord. 2185, (part), 2019; Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.020 Members–Residency–Selection.

A. The Housing Commission member that is the representative of a business is not required to be a Cupertino resident, but the business represented must be located in Cupertino. The four community members must be residents of Cupertino.

B. In selection of community members, the City Council may give priority to:

1. Applicants who represent the Community Development Block Grant (CDBG) target areas as described in the city's Consolidated Plan.

2. Applicants who are familiar with the operation of affordable housing;

3. Applicants who represent non-profit community organizations; and

4. Applicants who are knowledgeable about the housing needs of groups targeted for affordable housing development which include, but are not limited to, the following:

1. Seniors,
2. Single parent families,
3. Homeless persons,
4. Families of low income,
5. Disabled persons,
6. Renters,
7. First time homebuyers.

(Ord. 2185, (part), 2019; Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.030 Terms of Office.

A. Housing commissioners serve at the pleasure of the City Council. The term of office of the members of the Housing Commission shall be for four years commencing on the date of their respective appointments to the Housing Commission or its predecessor Commission and shall end on January 30th of the year their terms are due to expire. No member shall serve more than two consecutive terms except that a member may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 9 (part), 2018; Ord. 2062, (part), 2010; Ord. 1974, § 3, 2006; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.040 Members–Vacancy Prior to Expiration of a Term.

If a vacancy occurs other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.050 Chairperson.

The Chairperson and Vice Chairperson shall be elected from among Commission members. Terms shall be for one year.

(Ord. 2062, (part), 2010; Ord. 2015, § 4, 2008; Ord. 1892, (part), 2002; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.060 Meetings.

A. The Housing Commission shall establish a regular time and place of meeting and rules of conduct thereof and shall hold at least one regular meeting each quarter.

B. A majority of the Housing Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1697, (part), 1995; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.070 Compensation—Expenses.

Members shall serve on the Housing Commission without compensation.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1697, (part), 1995; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.080 Majority Vote Required.

A majority vote of the quorum is required to approve a recommendation on any matter that is presented to the Commission which requires a vote.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.090 Records.

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 9 (part), 2018; Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.100 Duties—Powers—Responsibilities.

The powers and functions of the Housing Commission shall be as follows:

A. To assist the Planning Commission and the City Council in developing housing policies and strategies for implementation of general plan housing element goals;

B. To recommend policies for implementation and monitoring of affordable housing projects;

C. To facilitate innovative approaches to affordable housing development and to generate ideas and interest in pursuing a variety of housing options;

D. When requested by the Director of Community Development or the City Council, to make recommendations to the Planning Commission and the City Council regarding affordable housing proposals in connection with applications for development including, but not limited to, recommendations for possible fee waivers, other incentives, the number and type of affordable units and the target groups to be served. Any referral to the Housing Commission shall be limited to consideration of affordable housing proposals which exceed normal housing requirements under the applicable provisions of the City's general plan or ordinances related thereto;

E. To make recommendations regarding requests for money from the CDBG and Affordable Housing Funds;

F. To provide information about affordable housing;

G. To meet with neighborhood, community, regional and business groups as necessary to receive input and assist in generating affordable housing;

H. To help identify sources of funds to develop and build affordable housing;

I. To perform any other advisory functions authorized by the City Council.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.110 City Staff Assistance.

The Housing Commission shall have available to it such assistance of City staff as may be required to perform its functions, the staff assignments and administrative procedures to be under the general direction and supervision of the Director of Community Development.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.120 Procedural Rules.

The Housing Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be kept on file with the chairperson of the Housing Commission, the Mayor, and the City Clerk, and a copy thereof shall be furnished to any person upon request.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

2.86.130 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council, Planning Commission or City officers.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

CHAPTER 2.90: DESIGN REVIEW COMMITTEE

Section

- 2.90.010 Established.
- 2.90.020 Purpose.
- 2.90.030 Terms of office.
- 2.90.040 Vacancy or removal.
- 2.90.050 Chairperson.
- 2.90.060 Meeting–Quorum.
- 2.90.070 Licensed architect.
- 2.90.080 Records.
- 2.90.090 Powers and functions.
- 2.90.100 Procedural rules.
- 2.90.110 Effect.

2.90.010 Established.

The Design Review Committee (DRC) is established. The DRC shall consist of the Planning Commission Vice Chair and one additional Planning Commission representative, to be appointed by the Planning Commission. One additional member of the Planning Commission shall be designated to serve as an alternate in the absence of a Planning Commission member. This alternate member shall be selected by the Planning Commission. (Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.020 Purpose.

The Design Review Committee shall endeavor to reduce the Planning Commission's workload by simplifying its design review responsibilities and incorporating professional architectural advice where it adds value to the design review process. The Design Review Committee shall include all aspects of site and architectural design, including:

- A. The relationship of the building to its surrounding land uses and the street;
- B. Compliance with adopted height limits, setbacks, architectural and landscape design guidelines;
- C. Protection of surrounding land uses and the subject uses from intrusive impacts, such as, noise, glare, dust, chemicals, smells and visual disturbances;
- D. Providing adequate parking and circulation for vehicles and pedestrians;
- E. The overall quality and compatibility of the building materials and architecture with the surroundings. (Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000)

2.90.030 Terms of Office.

All Design Review members shall have a term of one year, expiring on January 15th of each year, or until a successor is duly appointed.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.040 Vacancy or Removal.

Any Design Review Committee member may be removed from the committee by a majority vote of the City Council. If a vacancy occurs including an expiration of a term, it shall be appointed by the Planning Commission.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.050 Chairperson.

The chairperson shall be the Planning Commission Vice Chair. The term shall be one year and shall begin on January 15th and be complete on January 15th of the following year, or until a successor is duly appointed.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.060 Meeting–Quorum.

A. The DRC shall meet at dates and times prescribed by the committee. Meetings shall be held at City Hall, 10300 Torre Avenue, Cupertino, California. The committee may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment. When so adjourned, such meeting shall be a regular meeting for all purpose.

B. Special meetings of the committee may be called at any time by the chairperson or by any member of the committee upon written notice being given to all members at least twenty-four hours prior to the meeting, unless notice is waived in writing by each member.

C. Two Design Review Committee members or one member and the designated alternate shall be present to constitute a quorum for the purpose of transacting the business of the committee. A majority vote of the quorum is required to approve any decision of the committee. A tie vote constitutes a denial of any application or request.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.070 Licensed Architect.

A licensed architect shall make recommendations to the committee. The architect shall be selected by the City Council and shall be compensated based upon a contract with the City for a period not exceeding two years.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.080 Records.

A. The committee shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission directly after each meeting. The appeal of said decision is governed by Chapter 19.12 of the zoning code. The committee shall also comply with all requirements of the State of California Open Meeting Law (the Brown Act), including the preparation and posting of meeting agendas.

B. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 11 (part), 2018; Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.090 Powers and Functions.

The powers and functions of the DRC are as identified in Chapter 19.12 of the zoning code and to perform other functions as the City Council requires.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.100 Procedural Rules.

The DRC may adopt from time to time such rules or procedures as it may deem necessary to properly exercise its powers and functions. Such rules shall be subject to approval by the City Council before becoming effective.

All such rules shall be kept on file with the chairperson of DRC and the City Clerk and a copy of the rules shall be furnished to any person upon request.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

2.90.110 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council, Planning Commission or City officers.

(Ord. 2085, § 2 (part), 2011; Ord. 1844, § 1 (part), 2000; Ord. 1817, § 1 (part), 1999)

CHAPTER 2.92: BICYCLE PEDESTRIAN COMMISSION

- 2.92.010 Established–Composition.
- 2.92.020 Terms of Office.
- 2.92.030 Members–Vacancy and removal.
- 2.92.040 Chairperson.
- 2.92.050 Meetings–Quorum.
- 2.92.060 Majority vote required.
- 2.92.070 Records.
- 2.92.080 Powers and functions.
- 2.92.090 Compensation–Expenses.
- 2.92.100 Procedural rules.
- 2.92.110 Effect.

2.92.010 Established–Composition.

The Bicycle Pedestrian Commission of the City is established. The Bicycle Pedestrian Commission shall consist of five members, none of whom shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or any staff person(s) who may be assigned by the City Manager to assist this Commission. All members shall be City of Cupertino residents. Members of the Bicycle Pedestrian Commission shall be appointed by the City Council. (Ord. 1895, (part), 2002)

2.92.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Bicycle Pedestrian Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms, except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 12 (part), 2018; Ord. 2015, § 2, 2008; Ord. 1895, (part), 2002)

2.92.030 Members–Vacancy and Removal.

Any appointee member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

(Ord. 1895, (part), 2002)

2.92.040 Chairperson.

The Commission shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. Terms of the chair and vice-chair shall be for one year.

(Ord. 2015, § 2, 2008; Ord. 1895, (part), 2002)

2.92.050 Meetings–Quorum.

A. The Bicycle Pedestrian Commission shall establish a regular place of meeting and rules of conduct thereof and shall hold at least one regular meeting every other month, unless a regular meeting is cancelled by direction of the Commission chairperson.

B. A majority of the Bicycle Pedestrian Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(Ord. 1964, § 4, 2005; Ord. 1895, (part), 2002)

2.92.060 Majority Vote Required.

A majority vote is required to approve a recommendation on any matter that is presented to the Commission that requires a vote.

(Ord. 1895, (part), 2002)

2.92.070 Records.

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 12 (part), 2018; Ord. 1895, (part), 2002)

2.92.080 Powers and Functions.

A. The powers and functions of the Bicycle Pedestrian Commission shall be to review, monitor and suggest recommendations for City transportation matters including, but not limited to, bicycle and pedestrian traffic, parking, education and recreation within Cupertino.

B. To fulfill their mission, the Commission may involve itself in the following activities:

1. To monitor and update the bicycle transportation plan and pedestrian transportation guidelines;
2. To suggest recommendations, review and monitor the City's general plan transportation element;
3. To receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
4. To make recommendations regarding the implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;
5. To make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
6. Any other activity that may be deemed appropriate and necessary.

(Ord. 1895, (part), 2002)

2.92.090 Compensation—Expenses.

Members of the Bicycle Pedestrian Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.

(Ord. 1895, (part), 2002)

2.92.100 Procedural Rules.

The Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be kept on file with the chairperson of the Commission, the Mayor and the City Clerk, and a copy thereof shall be furnished to any person on request.

(Ord. 1895, (part), 2002)

2.92.110 Effect.

Nothing in this chapter shall be construed as restricting any powers of the City Council or City officers.

(Ord. 1895, (part), 2002)

CHAPTER 2.94: SUSTAINABILITY COMMISSION

Section

- 2.94.010 Established—Composition.
- 2.94.020 Terms of Office.
- 2.94.030 Members—Vacancy or removal.
- 2.94.040 Chairperson.
- 2.94.050 Meetings—Quorum.
- 2.94.060 Majority vote required.
- 2.94.070 Records.
- 2.94.080 Powers and functions.
- 2.94.090 Compensation—Expenses.
- 2.94.100 Procedural rules.
- 2.94.110 Effect.

2.94.010 Established—Composition.

A. The Sustainability Commission of the City of Cupertino is established. The Sustainability Commission (hereinafter

referred to in this Chapter as "Commission") shall consist of five members as follows:

1. One representative from a Cupertino-based business;
2. One representative from a Cupertino-based primary, secondary, or higher educational institution;
3. Three community members.

B. Commission members who are representatives of a business or educational institution are not required to be Cupertino residents, but the business and educational institution must be located in Cupertino. The three community members must be residents of Cupertino.

C. In selection of community members, the City Council may give priority to:

1. Applicants who represent the target sectors and partners as described in the Cupertino Climate Action Plan (hereinafter referred to in this Chapter as "CAP").
2. Applicants who are familiar with climate change mitigation and adaptation strategies, greenhouse gas emissions inventories, resource and utility conservation, sustainability and behavior change.
3. Applicants who represent non-profit community organizations and environmental interest groups.

D. None of these representatives shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any other member of the Commission, to the City Manager or to any staff person(s) who may be assigned to assist this Commission.

E. Members of the Commission shall be appointed by the City Council.

F. The Sustainability Manager, or his or her designee, shall provide technical assistance to the Commission.

(Ord. 2132, § 1 (part), 2015)

2.94.020 Terms of Office.

A. Commissioners serve at the pleasure of the City Council. The initial term of office of two of the members of the Commission selected from among the community members shall be for two years. The initial term of the remaining Commissioners shall be for a four year period. All subsequent terms shall be for a four year period. All terms shall end on January 30th of the year the term is due to expire. No Commissioner shall serve more than two consecutive terms, except that a Commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 13 (part), 2018; Ord. 2132, § 1 (part), 2015)

2.94.030 Members–Vacancy or Removal.

Any Commissioner may be removed by a majority vote of the City Council. If a vacancy occurs, other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

(Ord. 2132, § 1 (part), 2015)

2.94.040 Chairperson.

The Commission shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. Terms of the chair and vice-chair shall be for one year and shall be complete on January 30th.

(Ord. 2132, § 1 (part), 2015)

2.94.050 Meetings–Quorum.

A. The Commission shall hold regular meetings at least once every three months and at the discretion of the Commission shall hold other meetings as may be necessary or expedient.

B. A majority of the Sustainability Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

C. A special meeting may be called at any time by the chairperson or by a majority of the Commissioners upon notice being given in advance in accordance with the provisions of the Ralph M. Brown Act or successor statute in effect at the time.

(Ord. 2132, § 1 (part), 2015)

2.94.060 Majority Vote Required.

A majority vote is required to approve a recommendation on any matter that is presented to the Commission that requires

a vote.

(Ord. 2132, § 1 (part), 2015)

2.94.070 Records.

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 13 (part), 2018; Ord. 2132, § 1 (part), 2015)

2.94.080 Powers and Functions.

A. The powers and functions of the Commission shall be to serve in an advisory capacity to the City Council to provide expertise and guidance on major policy and programmatic areas related to the environmental, economic and societal goals noted within Cupertino's CAP and General Plan Environmental Resources/Sustainability Element.

B. To fulfill their mission, the Commission may involve itself in the following activities:

1. Monitor and update the CAP based upon quantified metrics to measure and evaluate mitigated impacts and community benefits.
2. Suggest recommendations, review, and monitor the City's General Plan Environmental Resources/Sustainability Element and its intersections with the CAP.
3. Advise the City Council how to strategically accelerate Cupertino's progress towards sustainability and recommend priorities to promote continued regional leadership in sustainability.
4. Periodically review policies governing specific practices and programs, such as greenhouse gas emissions reduction, water conservation, renewable energy, energy efficiency, materials management, and urban forestry. Illustrative examples include creation of infrastructure for low emissions vehicles, installation of renewable energy or energy efficiency technologies, drafting of water conservation or waste reduction policies, delivery of habitat restoration and conservation programs, design and roll-out of pollution prevention campaigns, etc.
5. Make recommendations regarding the allocation of funds for infrastructure and technology improvements to elevate operational performance of City facilities, businesses, educational institutions and homes by reducing costs, improving public health, and serving community needs.
6. Accept public input on the subject areas noted above and advise the City Council on ways to drive community awareness, behavior change, education and participation in City programs modeled upon the field's best practices.
7. Review and make recommendations to the City Council on Federal, State and regional policies related to sustainability that have the potential to impact City Council's goals and policies.
8. Pursue any other activity or scope that may be deemed appropriate and necessary by the City Council.

(Ord. 2132, § 1 (part), 2015)

2.94.090 Compensation—Expenses.

Members of the Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

(Ord. 2132, § 1 (part), 2015)

2.94.100 Procedural Rules.

The Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be kept on file with the Chairperson of the Commission, the Mayor, and the City Clerk, and a copy thereof shall be furnished to any person on request.

(Ord. 2132, § 1 (part), 2015)

2.94.110 Effect.

Nothing in this Chapter shall be construed as restricting or curtailing any powers of the City Council or City officers.

(Ord. 2132, § 1 (part), 2015)

CHAPTER 2.95: TEEN COMMISSION

Section

2.95.010 Established.

- 2.95.020 Terms of Office.
- 2.95.030 Vacancy—Removal.
- 2.95.040 Chairperson.
- 2.95.050 Meetings—Quorum.
- 2.95.060 Majority Vote Required.
- 2.95.070 Records.
- 2.95.080 Powers and Functions.
- 2.95.090 Compensation—Expenses.
- 2.95.100 Procedural Rules.
- 2.95.110 Effect.

2.95.010 Established.

The Teen Commission of the City is established. The Teen Commission (hereinafter referred to in this Chapter as "Commission") will be comprised of nine members, at least one person from each public middle school and public high school in Cupertino, if possible. Membership on the Commission will be limited to Cupertino residents. Members may attend schools outside of the City limits, or be schooled at home. Commissioners must be in the 8th through 11th grade at time of appointment. None of the Teen Commissioners shall be otherwise officials or employees of the City of Cupertino nor be related by blood or marriage to any official or employee of the City. Commissioners should reflect the broadest possible representation of Cupertino youth.

(Ord. 18-2181, § 1 (part), 2018)

2.95.020 Terms of Office.

A. Commission members serve at the pleasure of the City Council. The term of office of Teen Commission members shall be for two years. Five appointments will be made in odd-numbered years and four appointments in even-numbered years. The terms will begin on September 1st and end on August 31st of the year their term is due to expire. Commissioners shall not serve consecutive terms unless there is a vacancy for which there is no eligible applicant, at which time the City Council may waive this restriction.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies and the Resolution of the Cupertino City Council which governs the Teen Commission specifically.

(Ord. 18-2181, § 1 (part), 2018)

2.95.030 Vacancy—Removal.

Any appointee member may be removed by a majority vote of the City Council. Vacancies shall be filled by appointment by the City Council, and shall be for the unexpired portion of the term of office vacated.

(Ord. 18-2181, § 1 (part), 2018)

2.95.040 Chairperson.

The Commission shall elect its Chairperson and Vice-Chairperson from among its members who shall serve in these capacities for one year.

(Ord. 18-2181, § 1 (part), 2018)

2.95.050 Meetings—Quorum.

A. The Teen Commission shall hold regular meetings at least every other month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient.

B. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

(Ord. 18-2181, § 1 (part), 2018)

2.95.060 Majority Vote Required.

A majority vote is required to approve a recommendation or on any matter that is presented to the Commission which requires a vote.

(Ord. 18-2181, § 1 (part), 2018)

2.95.070 Records.

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2181, § 1 (part), 2018)

2.95.080 Powers and Functions.

The powers and functions of the Teen Commission shall be as follows:

- A. Advise the City Council and staff on issues and projects important to youth.
- B. Perform such other tasks as may be expressly requested of it by the City Council.

(Ord. 18-2181, § 1 (part), 2018)

2.95.090 Compensation—Expenses.

Members of the Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

(Ord. 18-2181, § 1 (part), 2018)

2.95.100 Procedural Rules.

The Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be subject to the approval by the City Council and shall be kept on file with the Chairperson of the Commission and the City Clerk, and a copy thereof shall be furnished to any person on request.

(Ord. 18-2181, § 1 (part), 2018)

2.95.110 Effect.

Nothing in this Chapter shall be construed as restricting or curtailing any powers of the City Council or City officers.

(Ord. 18-2181, § 1 (part), 2018)

CHAPTER 2.84: ENVIRONMENTAL REVIEW COMMITTEE

Section

- 2.84.010 Established–Composition.
- 2.84.020 Terms of Office.
- 2.84.030 Chairperson.
- 2.84.040 Meetings–Quorum.
- 2.84.050 Compensation–Expenses.
- 2.84.060 Majority vote required.
- 2.84.070 Records.
- 2.84.080 Duties–Powers–Responsibilities.
- 2.84.090 Guidelines–CEQA.
- 2.84.100 Appeals.
- 2.84.110 Fees.
- 2.84.120 Effect.

2.84.010 Established–Composition.

The Environmental Review Committee (ERC) of the City is established. ERC shall consist of one City Council person, one Planning Commissioner, the City Manager, the Director of Public Works and the Director of Community Development or their designated alternates.

In addition, the chairperson may appoint one at-large nonvoting citizen member to the committee. The at-large member shall receive all agendas, notifications and materials which other members receive and shall be entitled to participate in all discussions at ERC meetings in the same manner as other members of the committee. The at-large member would serve a term of one year; provided, that he or she may be removed at the pleasure of the chair.

(Ord. 1570, § 1, 1991; Ord. 1535, (part), 1990)

2.84.020 Terms of Office.

The terms of staff members are ongoing unless changed by action of the City Council. The term of the City Council person and Planning Commissioner shall be reviewed periodically by the City Council and Planning Commission respectively for reappointment or a new appointment. Because this Committee is composed of staff and members of other bodies it is not directly governed by the Resolution of the Cupertino City Council which governs advisory bodies.

(Ord. 18-2180, § 8 (part), 2018; Ord. 1535, (part), 1990)

2.84.030 Chairperson.

The Committee shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. The secretary need not be a member of the Committee.

(Ord. 1535, (part), 1990)

2.84.040 Meetings–Quorum.

A. The Environmental Review Committee shall establish a regular time and place of meeting and rules of conduct thereof and shall hold at least two regular meetings each month.

B. A majority of the Environmental Review Committee shall constitute a quorum for the purpose of transacting the business of the Committee.

(Ord. 1535, (part), 1990)

2.84.050 Compensation–Expenses.

Members shall serve on the Environmental Review Committee without compensation but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid following appropriate action by the City Council.

(Ord. 1535, (part), 1990)

2.84.060 Majority Vote Required.

A majority vote of the quorum is required to approve a recommendation on any matter that is presented to the Committee which requires a vote.

(Ord. 1535, (part), 1990)

2.84.070 Records.

The Committee shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 8 (part), 2018; Ord. 1535, (part), 1990)

2.84.080 Duties–Powers–Responsibilities.

A. All discretionary projects which are not categorically exempt or otherwise exempted from further environmental assessment, shall be forwarded to the Environmental Review Committee for evaluation under the California Environmental Quality Act.

B. The Committee shall evaluate the initial study of a proposed project to determine whether the project may or may not have a significant effect on the environment.

C. If a determination is made that the project will not have a significant impact on the environment, the Committee will recommend that the final reviewing authority (decisionmaker) grant a negative declaration.

D. If a determination is made that the project may have a significant impact on the environment, the Committee shall require preparation of an environmental impact report (EIR). The major areas of concern, the selection of the preparer and the preparation of the EIR shall be coordinated by the ERC not including the City Council and Planning Commission members.

(Ord. 1535, (part), 1990)

2.84.090 Guidelines–CEQA.

California Environmental Quality Act guidelines promulgated by the California Secretary of Resources and as subsequently amended are adopted by this reference.

(Ord. 1535, (part), 1990)

2.84.100 Appeals.

The project sponsor may appeal a decision to prepare an EIR to the City Council. The appeal shall be filed in writing with the City Clerk within five working days of the Committee's decision. If the City Council determines that an EIR is not necessary, the project shall be returned to the ERC for further consideration.

(Ord. 1535, (part), 1990)

2.84.110 Fees.

The City Council may, by resolution, establish an environmental assessment fee.

(Ord. 1535, (part), 1990)

2.84.120 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council, Planning Commission or City officers.

(Ord. 1535, (part), 1990)

CHAPTER 2.88: AUDIT COMMITTEE

Section

- 2.88.010 Established–Composition.
- 2.88.020 At large member–Qualifications.
- 2.88.030 Terms of Office.
- 2.88.040 Members–Vacancy prior to expiration of a term.
- 2.88.050 Chairperson.
- 2.88.060 Meetings.

- 2.88.070 Compensation–Expenses.
- 2.88.080 Majority vote required.
- 2.88.090 Records.
- 2.88.100 Duties–Powers–Responsibilities.
- 2.88.110 City staff assistance.
- 2.88.120 Procedural rules.
- 2.88.130 Effect.

2.88.010 Established–Composition.

A. The Audit Committee of the City is established. The Audit Committee shall consist of five members as follows:

1. Two City Council members;

2. A minimum of Two and a maximum of three at large members who are not officials or employees of the City nor cohabit with, as defined by law, nor be related by blood or marriage to, any member of the committee, the City Manager or the staff person or persons assigned to the committee.

(Ord. 1913, (part), 2003; Ord. 1874, § 1 (part), 2001; Ord. 1679, § 1 (part), 1995)

2.88.020 At Large Member–Qualifications.

An Audit Committee at large member is not required to be a Cupertino resident. In selecting an at large member, the City Council shall give priority to individuals who have substantial accounting, audit, or investment experience, preferably in connection with a governmental agency.

(Ord. 1913, (part), 2003; Ord. 1874, § 1 (part), 2001; Ord. 1679, § 1 (part), 1995)

2.88.030 Terms of Office.

A. Audit Committee members serve at the pleasure of the City Council. The term of office of the members of the Audit Committee shall be for four years commencing on the date of their respective appointments to the Audit Committee and shall end on January 30th of the year the terms are due to expire. No Audit Committee member shall serve more than two consecutive terms unless he or she has been appointed to the committee to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Audit Committee are governed by the Resolution of the City Council which governs advisory bodies.

(Ord. 18-2180, § 10 (part), 2018; Ord. 1974, § 1, 2006; Ord. 1679, § 1 (part), 1995)

2.88.040 Members–Vacancy Prior to Expiration of a Term.

If a vacancy occurs other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

(Ord. 1679, § 1 (part), 1995)

2.88.050 Chairperson.

The committee shall elect its chairperson and vice chairperson from among its members and shall appoint a secretary. Terms of the chairperson and vice chairperson shall be for one year. Upon approval of the City Council, the City Manager may appoint a secretary who need not be a member of the committee.

(Ord. 2015, § 1, 2008; Ord. 1679, § 1 (part), 1995)

2.88.060 Meetings.

A. The Audit Committee shall establish a regular time and place of meeting and rules of conduct thereof and shall hold at least one regular meeting quarterly.

B. A majority of the Audit Committee shall constitute a quorum for the purpose of transacting the business of the committee.

(Ord. 1679, § 1 (part), 1995)

2.88.070 Compensation–Expenses.

Members shall serve on the Audit Committee without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.

(Ord. 1679, § 1 (part), 1995)

2.88.080 Majority Vote Required.

A majority vote of the quorum is required to approve a recommendation on any matter that is presented to the committee which requires a vote.

(Ord. 1679, § 1 (part), 1995)

2.88.090 Records.

The committee shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

(Ord. 18-2180, § 10 (part), 2018; Ord. 1679, § 1 (part), 1995)

2.88.100 Duties–Powers–Responsibilities.

The powers and functions of the Audit Committee shall be as follows:

- A. To review the annual audit report and management letter;
- B. To recommend appointment of auditors;
- C. To review the monthly Treasurer’s report;
- D. To recommend a budget format;
- E. To review City investment policies and internal controls of such policies;
- F. To recommend appointment of internal auditors;
- G. To review internal audit reports. (Ord. 20-2208, § 1, 2020; Ord. 1679, § 1 (part), 1995)

2.88.110 City Staff Assistance.

The Audit Committee shall have available to it such assistance of City staff as may be required to perform its functions, the staff assignments and administrative procedures to be under the general direction and supervision of the Director of Administrative Services.

(Ord. 1679, § 1 (part), 1995)

2.88.120 Procedural Rules.

The Audit Committee may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be subject to approval by the Council before becoming effective. All such rules shall be kept on file with the chairperson of the Audit Committee, the Mayor, and the City Clerk and a copy thereof shall be furnished to any person upon request.

(Ord. 1679, § 1 (part), 1995)

2.88.130 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council or City officers.

(Ord. 1679, § 1 (part), 1995)

CHAPTER 2.40: EMERGENCY MANAGEMENT PROGRAM*

Section

- 2.40.010 Purposes.
- 2.40.020 Definition.
- 2.40.025 Disaster Council.
- 2.40.030 Compliance with California Emergency Services Act.
- 2.40.040 Disaster Council powers and duties.
- 2.40.050 Director of Emergency Services–Designated.
- 2.40.060 Director of Emergency Services–Powers and duties.
- 2.40.070 Emergency organization–Membership.
- 2.40.080 Emergency organization–Structure, duties and functions.
- 2.40.090 Mutual aid.
- 2.40.100 Expenditures.
- 2.40.110 Violation–Penalty.

* For the constitutional provision that states that any city may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws, see Calif. Const. Art. 11 § 11; for statutory provisions regarding the establishment and powers of local war or disaster councils, see Gov. Code § 8610 et seq. -- See Title 9, Health and Sanitation.

2.40.010 Purposes.

The declared purposes of this chapter are to provide for the design of the citywide emergency management program for the City of Cupertino. The emergency management program includes the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons. (Ord. 20-2216, § 2, 2020; Ord. 475, § 1, 1971)

2.40.020 Definition.

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property and the environment within this City caused by but not limited to earthquakes, technological, natural and manmade disasters, conditions resulting from war or imminent threat of war, air pollution, fire, flood, storm, epidemic, or riot, but other than conditions resulting from a labor controversy, which conditions are or are likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat. (Ord. 15-2129, § 1, 2015; Ord. 1912, (part), 2003; Ord. 1697, (part), 1995; Ord. 475, § 2, 1971)

2.40.025 Disaster Council.

Pursuant to California Government Code section 8610, the Cupertino Disaster Council, shall have the following voting members:

- A. The City Manager, or their designee, shall be chair.
- B. The Mayor, or their designee, shall be vice chair.
- C. The City Department Heads or their designee.

In addition to its voting members, the Disaster Council shall include such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the chair with the advice and consent of the governing body to advise the voting members. (Ord. 20-2216, § 3, 2020; Ord. 15-2129, § 2, 2015; Ord. 1912, (part), 2003)

2.40.030 Compliance with California Emergency Services Act.

The City of Cupertino Disaster Council shall comply with the California Emergency Services Act. (Ord. 20-2216, § 4, 2020)

2.40.040 Disaster Council Powers and Duties.

The Disaster Council shall have the following duties, powers and responsibilities, and such other as they may be entrusted with by the City Council from time to time:

1. Meet at the discretion of the Chair, but no less than annually.
2. Advise on and recommend for adoption emergency plans and mutual aid agreements based on the Standardized Emergency Management System (SEMS) as defined in the California Code of Regulations, Title 19, Division 2, Sections 2400 - 2450.
3. Provide guidance to develop disaster exercises, support community participation, assist with threat assessments, identify local resources and facilitate multi-agency/inter-agency coordination within its membership and other local governments and special districts.
4. Provides oversight for engaging community members in homeland security, emergency planning and response and promoting community preparedness and family safety in three principal ways; through public education and outreach; through training opportunities; and, through volunteer programs that draw on special skills and interests.
5. Provide oversight responsibility for the California State Disaster Service Worker Volunteer Program (DSWVP). The City Office of Emergency Management manages the DSWVP through its Citizen Corps organization as established by the California Emergency Council pursuant to the provisions of California Government Code Section 8585.5. (Ord. 20-2216, § 5, 2020; Ord. 15-2129, § 3, 2015; Ord. 1912, (part), 2003; Ord. 1697 (part), 1995; Ord. 475, § 4, 1971)

2.40.050 Director of Emergency Services—Designated.

The City Manager or their designee is designated the Director of Emergency Services for the purposes of disaster management under the Standardized Management System. (Ord. 20-2216, § 6, 2020; Ord. 15-2129, § 5, 2015; Ord. 1912, (part), 2003; Ord. 1697, (part), 1995; Ord. 475, § 5, 1971)

2.40.060 Director of Emergency Services—Powers and Duties.

The Director is empowered to:

- A. Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
- B. Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
- C. Develop emergency plans with the assistance of the emergency organization for consideration by the Disaster Council and manage the emergency programs of this City;
- D. Control and direct the effort of the emergency organization for this City for the accomplishment of the purposes of this chapter;
- E. Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them;
- F. Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
- G. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director is empowered to:
 1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
 2. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;
 3. Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the Santa Clara County Operational Area or the existence of a "state of war emergency," to command the aid of as many citizens of this community as the Director deems necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster services workers;
 4. Requisition necessary personnel or material of any City department or agency; and
 5. Execute all their ordinary power as City Manager, all of the special powers conferred upon them by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon them by any statute, by an agreement approved by the City Council, and by any other lawful authority. (Ord. 20-2216, § 7, 2020; Ord. 15-2129, § 6, 2015; Ord. 1697, (part), 1995; Ord. 475, § 6, 1971)

2.40.070 Emergency Organization—Membership.

All officers and employees of this City, together with Citizen Corps, programs and volunteers and other volunteer forces enrolled to aid them during an emergency, and stakeholders, all groups, organizations, and persons who may by agreement

or operation of law, including persons impressed into service under the provisions of Section 2.40.060(G)(3) of this chapter, be charged with duties incident to the protection of life, property and the environment in this City during such emergency, shall constitute the emergency organization of the City. (Ord. 15-2129, § 7, 2015; Ord. 1912, (part), 2003; Ord. 475, § 7, 1971)

2.40.080 Emergency Organization–Structure, Duties and Functions.

The City Emergency Organization functions under the Standardized Emergency Management System. Representatives of the Emergency Organization have specific duties and responsibilities to train, plan for and participate in the City's emergency management response, as assigned by the Director of Emergency Services. These responsibilities are outlined in the Cupertino Emergency Operations Plan.

The structure, duties, and functions of the emergency organization and the order of emergency succession to the position of Director of Emergency Services, shall be adopted by resolution of the City Council. (Ord. 20-2216, § 8, 2020; Ord. 1912, (part), 2003; Ord. 475, § 8, 1971)

2.40.090 Mutual Aid.

It is the purpose of the City Council in enacting the ordinance codified herein to facilitate the rendering of mutual aid to and for the people of this City. Emergency plans adopted and approved by the City Council shall provide for the interchange of mutual aid and for coordination with the emergency plans of the Santa Clara County Operational Area.

(Ord. 1697, (part), 1995; Ord. 475, § 9, 1971)

2.40.100 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

(Ord. 475, § 10, 1971)

2.40.110 Violation–Penalty.

It shall be a violation of this Chapter for any person during an emergency to:

A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon them by virtue of this chapter;

B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof;

C. Wear, carry, or display without authority any means of identification specified by the emergency agency of the state.

The City may address violations of this Chapter by issuing administrative citations, fines, and penalties as set forth in Chapter 1.10 of this Code. Alternatively, the City may prosecute any violation of this Chapter as a misdemeanor, punishable as provided in Chapter 1.12 of this Code. Law enforcement officers of the Santa Clara County Sheriff's Office are authorized to enforce this Chapter. (Ord. 20-2216, § 9, 2020; Ord. 475, § 11, 1971)

RESOLUTION NO. 18-010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ESTABLISHING A POLICY FOR LEGISLATIVE ADVOCACY**

WHEREAS, the City Council has an interest in weighing in on state, federal, and regional legislative issues that impact the City and its residents; and

WHEREAS, the Council established the Legislative Advocacy Committee to make recommendations on legislative advocacy issues that could impact the City; and

WHEREAS, the City Council annually takes action on numerous legislative proposals brought forward throughout the year; and

WHEREAS, the Mayor, Councilmembers, and staff are often unable to respond to legislative action alerts sent by various city associations in a timely manner given legislative positions are currently considered by the full Council on a case by case basis; and

WHEREAS, establishing a Legislative Advocacy Policy and Annual Legislative Platform would provide a streamlined process for responding to legislative proposals that may impact the City and focus the City's limited advocacy resources;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino adopts and approves the Policy on Legislative Advocacy attached and incorporated herein by this reference, as the official legislative advocacy policy of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 6th day of February, 2018, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Paul, Sinks, Chang, Scharf, Vaidhyathan
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

APPROVED:



Grace Schmidt, City Clerk



Darcy Paul, Mayor,
City of Cupertino

LEGISLATIVE ADVOCACY POLICY

I. PURPOSE

The purpose of this policy is to establish guidelines regarding City resources and support for legislative priorities approved by the City Council.

II. BACKGROUND

A Legislative Platform identifies the City's broad advocacy positions on issues and legislation with local impacts. Advocacy positions are short-term in nature, typically related to pending legislation and current issues, and guide Council and staff on intergovernmental matters directly related to service delivery, or otherwise contribute to the City's operational success and/or health and well-being of its residents.

III. OBJECTIVE

The primary objective of establishing an annual Legislative Platform is for the City Council to adopt official City positions on clearly stated legislative issues at the start of a legislative session. By doing this, the legislative approval process is streamlined by receiving clear direction at the beginning of the legislative session from the City Council on pertinent legislative issues.

IV. POLICY STATEMENT

1. Each year the City Manager shall present for Council's consideration a draft Legislative Platform. Once approved by the City Council, this "platform" informs official City advocacy positions on pending legislative issues.
2. The Legislative Platform is utilized by staff throughout the year to determine, in consultation with the Legislative Action Committee, City positions on legislation and intergovernmental issues and minimizes the need for staff to request further direction from Council on legislation and issues as they arise.
3. During the year, staff monitors and researches pending legislation to identify bills that could significantly impact Cupertino. With authorization from the Legislative Action Committee, City staff shall prepare position letters consistent with the Council-approved Legislative Platform for the Mayor's signature.
4. Items not addressed in the City's Legislative Platform will require Council approval prior to any legislative advocacy efforts.
5. Legislative priorities should focus on issues directly relevant to or impacting the provision of municipal services. Generally, the City will not address matters that are not pertinent to the City's local government services, such as international issues.

Resolution No. 18-010

Page 3

V. Implementation

The City Manager shall monitor the provisions of this policy. Disagreements in interpretation of the City's Legislative Platform shall be resolved by the City Council.

City departments are encouraged to monitor and be knowledgeable of any legislative issues related to their discipline. However, any requests for the City to take positions on a legislative matter must be directed to the City Manager's Office. City departments may not take positions on legislative issues without City Manager's Office review and approval from the Legislative Action Committee.