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CITY COUNCIL STAFF REPORT

Date: January 13, 2026

Subject

Study Session to consider possible updates to the City's practices pertaining to its advisory bodies, including its Commissions and Committees.

Recommended Action

Consider and discuss options for updating the City's practices pertaining to its advisory bodies, including (1) increasing community participation via extended nepotism restrictions, (2) filling vacancies and appointing alternates, (3) updating attendance requirements, (4) recognizing commissioner autonomy, and (5) considering the unique characteristics of Committees as compared to Commissions, including the Economic Development Committee and the Audit Committee.

Background

Various rules governing the City's advisory bodies can be found in (1) City Resolution No. 24-022 ("Reso 24-022"), (2) Cupertino Municipal Code Chapter 2, (3) the Commissioner's Handbook 2024 ("Commissioner's Handbook"), and (4) the Council Procedures Manual, implementing, among other requirements, rules for complying with the Maddy Act (the "Maddy Act"), codified in Government Code Sections 54970-54975.

1. Nepotism Restrictions

The City's Municipal Code currently prevents members of the same family from serving on the same City advisory body. For example, Municipal Code section 2.36.010 states that 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 Council Procedures Manual at

section 4.4 further states that “[i]mmediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee.”

The Council may wish to consider (1) further restricting appointments of family members to not only the same commission or committee, but to other City advisory bodies as well, and (2) other potential restrictions on appointments to prevent a concentration of influence over City policy.

2. Vacancies and Appointing Alternates

When members of an advisory body miss meetings, it can impact the body’s ability to conduct business when a quorum is not present. Moreover, filling an unscheduled vacancy can be time-consuming and costly because Reso 24-022 and the Maddy Act require that the City undertake lengthy recruitments taking at least 30 days to complete, usually longer, in order to fill a vacancy.

If the Council added a non-voting alternate to a City advisory body, then when a regular member is absent, after first being “seated” by the Chair for the meeting, the alternate could step in as a voting member. This would help ensure a quorum, thus allowing business to be conducted. Additionally, if an unscheduled vacancy occurs, that vacancy could be immediately filled by the alternate if the Council finds there is an “emergency” need to fill the vacancy.

Appointing alternates might also increase community participation as such non-voting alternates could attend meetings and, local rules permitting, participate in meeting discussions. Appointed alternates would be required to file Form 700 disclosures and take the oath of office.

3. Harmonizing and Updating Attendance Requirements

Reso 24-022, section C (3), the Commissioner’s Handbook, p. 5, and the Council Procedures Manual, section 4.5, each purport to govern attendance requirements. Reso 24-022 and the Commissioner’s Handbook limit the number of meetings an advisory body member may miss by *automatically removing* a member (“member shall be considered removed”) from an advisory body when 1) they miss more than three consecutive meetings, or when 2) they miss more than 25% of the advisory body’s regular meetings in a calendar year. The Council Procedures Manual separately states that when an advisory body member fails to comply with the attendance policies contained in the Commissioner’s Handbook, “[t]he City Clerk shall notify the City Council and *make a recommendation for potential removal*” of the advisory body member. Here, “*Council retains full discretion to . . .*

take disciplinary action as needed, including removal from the commission or committee.” These documents should be harmonized, perhaps by noting in the Commissioner’s Handbook that the rule has been updated by the Council’s further action.

Additionally, because regular meetings are often cancelled and replaced with special meetings due to scheduling, often more than 25% of meetings are missed without commissioner discipline, defeating the intent of the attendance rules.

4. Commissioner Autonomy

Currently, the Commissioner’s Handbook, states that it is “improper for an individual commissioner, acting in their official capacity, to try to persuade the Council into the acceptance of a recommendation other than that voted by the majority of the commission.”

The question has been posed as to whether this is an appropriate restriction on a commissioner’s right to speak their mind. The Council might consider whether the language of the restriction limiting its application to comments made only in their “official capacity” alleviate the concern, or whether, nevertheless, it remains too restrictive of a commissioner’s right to speak freely.

5. Committee Characteristics, as compared to Commissions, including the Economic Development Committee and the Audit Committee

Committees differ from Commissions in that City Councilmembers, City staff, and sometimes both, participate as Committee members on the City’s Committees. Commissions, on the other hand, are usually comprised of community members, with staff support. As such, rules applicable to Committees may vary from those applicable to Commissions. Perhaps, more clearly defining this difference would be useful.

Reasons for Recommendation

Provide Councilmembers and the public with an opportunity to consider and discuss ways of honing the rules governing the City’s advisory bodies.

Sustainability Impact

No sustainability impact

Fiscal Impact

No fiscal impact

City Work Program Item/Description

None

Council Goal

Public Engagement and Transparency

California Environmental Quality Act

No California Environmental Quality Act impact.

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Attachments:

None