

ORDINANCE NO. 25-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TITLE 2
CHAPTER 2.96: ECONOMIC DEVELOPMENT COMMITTEE
SECTION 2.96.010: ESTABLISHED-COMPOSITION, AND
SECTION 2.96.020: TERMS OF OFFICE

The City Council of the City of Cupertino finds that:

1. On March 18, 2025 the City Council enacted an Ordinance No. 25-2269 reestablishing the Economic Development Committee (EDC).
2. A member of the Planning Commission should serve on the EDC rather than a member of the Sustainability Commission.
3. The terms of EDC members representing the City Council and the two Commissions require updating to rationalize the terms of those EDC members with the terms of their other City Council or Commission assignments.

NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO DOES ORDAIN AS FOLLOWS:

SECTION 1: Adoption.

The Cupertino Municipal Code is hereby amended to add Chapter 2.96 as set forth in Attachment A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express

intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the Municipal Code would have no or only a de minimis effect on the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on June 17, 2025, and **ENACTED** at a regular meeting of the Cupertino City Council on _____ by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Liang Chao, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Floy E. Andrews, City Attorney</p>	<p>_____</p> <p>Date</p>

ATTACHMENT A - Chapter 2.96: Economic Development Committee

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

2.96.010 Established–Composition.

- A. The Economic Development Committee of the City of Cupertino is re-established. The Economic Development Committee (hereinafter referred to in this Chapter as “Committee”) shall consist of nine (9) members as follows:
1. City Councilmember
 2. City Councilmember
 3. Technology Sector Business Representative
 4. Retail/Small Business Representative
 5. Hospitality/Tourism Sector Representative
 6. Education Sector Representative
 7. Commercial Real Estate Representative
 8. Planning Commissioner
 9. Technology, Information, and Communications Commissioner
- B. The Committee shall be comprised of: (1) two Councilmembers; (2) one representative from each of the following industry sectors – Technology, Retail, Hospitality, Education, and Commercial Real Estate; and (3) one member who is currently serving on the Planning Commission; and (4) one member who is currently serving on the Technology, Information, and Communications Commissions. Industry sector representatives must work for an organization located within the City or be residents of the City, or both.
- C. None of the industry sector representative Committee Members shall be officials or employees of the City. No member of the Committee shall cohabit with, as defined by law, nor be related by blood or marriage, to any other member of the Committee, to the City Manager, or to any staff person(s) who may be assigned to assist this Committee.
- D. Members of the Committee shall be appointed by the City Council.

2.96.020 Terms of Office.

- A. Committee Members serve at the pleasure of the City Council. The term of office for the Committee's industry sector representative shall be staggered with the initial appointment of two members to terms expiring January 30, 2027, and three members to terms expiring January 30, 2029. Following the initial appointment, all of the Committee's industry sector representatives shall be appointed to four-year terms. The initial term of office of the City Councilmembers, Planning Commissioner and Technology, Information, and Communications Commissioner shall have terms expiring January 30, 2027. Following the initial appointment, the term of office for the City Councilmembers, Planning Commissioner and Technology, Information, and Communications Commissioner shall be for a term of one year, expiring on January 30 of each year, or until a successor is duly appointed. If a Committee Member is replaced or removed by Council, resigns, or is no longer eligible to serve on the Committee, Council shall appoint a replacement to serve the remaining period of the Committee Member's term. All terms shall end on January 30 of the year the term is due to expire. No Committee Member shall serve more than two consecutive terms, except that a Committee Member may serve more than two consecutive terms if 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 industry sector representative Committee Members are governed by the Resolution of the Cupertino City Council which governs advisory bodies.
- C. The City Council may in its discretion adopt different policies, procedures, and terms of service for the appointment of City Councilmembers and Commissioners to serve on the Committee.