

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TITLE 2
CHAPTER 2.96: ECONOMIC DEVELOPMENT COMMITTEE**

The City Council of the City of Cupertino finds that:

1. The purpose of this Ordinance is to establish the Economic Development Committee (EDC).
2. The EDC has met informally for well over two decades to discuss items of importance pertinent to local businesses and to provide feedback to staff on business-related City initiatives or projects. As part of the FY 2021-2022 City Work Program discussion, the City Council requested that the EDC be codified in the Municipal Code through an ordinance.

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. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

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 May 3, 2022, and **ENACTED** at a regular meeting of the Cupertino City Council on May 17, 2022, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Darcy Paul, 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>Christopher D. Jensen, 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 established. The Economic Development Committee (hereinafter referred to in this Chapter as "Committee") shall consist of five (5) members as follows:
1. City Councilmember
 2. City Councilmember
 3. Technology Sector Business Representative
 4. Retail/Small Business Representative
 5. Hospitality/Tourism Sector Representative
- B. The Committee shall be comprised of two Council members. Three members shall be from key industry sectors – Technology, Retail, and Hospitality. Committee Members shall be Cupertino residents or own a business or be currently employed at a business/organization located within the City of Cupertino.
- C. 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 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. of Office.

- A. Committee Members serve at the pleasure of the City Council. The term of office for Committee Members shall be four (4) years unless appointed by the City Council for a shorter term. All terms shall end on January 30 of the year the term is due to expire. No Committee Members 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 incumbent members of the Committee are governed by the Resolution of the Cupertino City Council which governs advisory bodies.
- C. This Section shall not apply to the ex officio member of the Committee.

2.96.030 Members–Vacancy or Removal.

Any Committee 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.

2.96.040 Chairperson.

The Committee 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.

2.96.050 Meetings–Quorum.

- A. The Committee shall hold regular meetings on a quarterly basis on and at the discretion of the Committee shall hold other meetings as may be necessary or expedient.
- B. A majority of the Committee shall constitute a quorum for the purpose of transacting the business of the Committee.
- C. A special meeting may be called at any time by the chairperson or by a majority of the Committee Members 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.

2.96.060 Majority Vote Required.

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

2.96.070 Records.

The Committee 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.

2.96.080 Powers and Functions.

- A. The powers and functions of the Committee shall be to serve in an advisory capacity to the City Council and to provide expertise and guidance on policy related to economic development. The Committee shall also actively promote Cupertino as a location of choice for current and prospective businesses.
- B. To fulfill their mission, the Committee may involve itself in the following activities:
 - 1. Make recommendations to the City Council on a broad range of strategic matters broadly applicable to the City's economic development goals;
 - 2. Serve as an ambassador to shed a positive light on the City by sharing economic development resources and information to prospective businesses and stakeholders, thus positioning the City as a location of choice; and
 - 3. Encourage public/private partnerships to further the City's economic development goals by identifying potential resources.

2.96.090 City Staff Assistance.

The 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 Economic Development Manager.

2.96.100 Compensation–Expenses.

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

2.96.110 Procedural Rules.

The 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 kept on file with the Chairperson of the Committee, the Mayor, and the City Clerk, and a copy thereof shall be furnished to any person on request.

2.96.120 Effect.

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