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CITY COUNCIL STAFF REPORT

Meeting: April 7, 2026

Subject

Consider updates to procedures administering the City's Commissions and Committees and revising the City Commissioners' Handbook to reflect the new procedures.

Recommended Action

Adopt Resolution 26-XXX updating the Commissioners' Handbook to (1) appoint alternates to assist with quorum requirements when regular members are absent, (2) promote broad community participation on the City's commissions and committees, (3) align attendance requirements and Council's discretion over consequences for missing meetings; (4) recognize advisory body members' autonomy while ensuring the advisory body's actions are fairly communicated.

Executive Summary

During a study session held on January 13, 2026, the City Council carefully considered potential changes to the Commissioners' Handbook and requested updates to the four areas noted in the Recommended Action. Herein we address each of those suggested updates separately and provide specific suggested language to implement the recommended changes. These updates were shared with commissioners during the recent Commissioner Training provided on March 30. Additionally, staff is proposing further revisions in the handbook to bring it up to date with recent procedural changes such as the implementation of Commission Work Plans, required trainings, and remote meeting participation.

Background

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

On January 13, 2026, the City Council participated in an agendaized study session pertaining to the rules governing City commissions and committees. This item intends to implement the Council's general direction provided during that discussion.

Reasons for Recommendations and Available Options

1. Appointing Alternates: When members of an advisory body miss meetings it can impact the body's ability to conduct business due to lack of a quorum. Moreover, filling unscheduled vacancies can be time-consuming and costly because the Maddy Act requires a lengthy recruitment, taking at least 30 days to complete, in order to fill a vacancy, further complicating the body's ability to reach quorum and take action.

To assist in meeting quorum requirements, Staff suggests that Council add a non-voting alternate member to each City advisory body, which alternate may be "seated" by the Chair for a meeting and then participate as a voting member in that meeting when a regular member is absent. This would help ensure a quorum, allowing the advisory body's business to be conducted.

Appointing alternates might also increase community participation as such non-voting alternates could attend meetings. Appointed alternates would be required to file Form 700 disclosures and take the oath of office.

Alternatively, the Council could reasonably decide not to add alternates and leave the structure as is.

2. Promoting Broad Community Participation: During the January study session, Council noted the importance of representatives from across the City be appointed to the City's advisory bodies to promote broad community engagement, equity, and the distribution of access to City decisionmakers. The Council acknowledged the benefits of restricting individuals from serving on more than one City advisory body to prevent a concentration of influence over City policy.

To achieve this goal, Staff suggests that the following language be added to the Commissioners' Handbook: "Representation on City commissions by residents from across the City promotes broad engagement, equity and access to City decisionmakers. To promote broad engagement the City discourages individuals from serving on two or more City commissions simultaneously."

The City also discussed issues associated with the appointment of more than one member of a family to the same commission. The Council concluded that such restrictions are advisable but suggested there might be unique situations that would make such appointments acceptable.

The City's Municipal Code currently prevents members of the same family from serving on certain City advisory bodies, including City commissions. 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.*"

Alternatively, if the Council desires to relax these restrictions to allow for the appointment of more than one family member to a particular advisory body in certain rare circumstances, the City Attorney could bring a municipal code update back for Council approval to allow for such appointments.

3. Updating Attendance Requirements

During the Study Session held on January 13, Council affirmed that removal from an advisory body should require affirmative Council action.

Staff suggests updates to the "Quorum, Attendance, Training, and Reporting" section of the Commissioners' Handbook, to align with the current Council Procedures Manual, which states that "Council retains full discretion to . . . take disciplinary action as needed, including removal from the commission or committee." Staff suggests adding the following language to the Commissioners' Handbook, "[t]he City Clerk shall notify the City Council and make a recommendation for potential removal" of an advisory body member when that member fails to comply with attendance requirements.

Alternatively, the Council might direct staff to update the Council Procedures to align with the current Commissioners' Handbook.

4. Commissioner Autonomy

In consideration of the rights of sitting commissioners to speak their minds freely, the Council indicated its preference that the Commissioners' Handbook be updated to remove the provision stating 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.”

Various iterations of this concept were exchanged during the January study session, with final direction to the City Attorney to draft language designed to implement the intent of the Council’s discussion. As such, the City Attorney advises that the Council update three separate sections of the Commissioners’ Handbook including (i) the “Commissions” section, (ii) the “Recommendations and Reports to City Council” section, and (iii) the “Use of City Email” section, to fully implement the requested changes articulated by the various Councilmembers, as a whole.

Commissions Section:

First, staff recommends that the following be removed from the Commissions section: “This underlying philosophy makes it 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 role of a commission is to assist the City Council in the formation of policy, having been created for the purpose of advising.”

Second, staff recommends the following be added to the Commissions section: “Individual commissioners may express their personal opinions to the City Council on items within the scope of their commission’s jurisdiction if they clearly state that they are speaking on behalf of themselves only. The Council appreciates hearing the rationale supporting both the majority position and the minority position, as this enriches the decision-making process. [*However, if the individual Commissioners’ personal recommendation is inconsistent with a position taken by the full commission, the individual commissioner should also provide the City Council with a general description of the full commission’s position.*]” Based on the Council’s discussion during the study session, Staff was unable to determine clearly the majority’s direction on the italicized bracketed language. Further advice on this language is requested.

Recommendations and Report to City Council Section:

The Recommendations and Report to City Council section should be updated as follows: “The Commissioner selected by the Chair as the commission representative should strive to represent the position of the commission as a whole at the meeting, as necessary, regardless of the Commissioners’ personal views.”

Use of City Email Section:

The Use of City Email section should be updated as follows:

“All City emails are subject to the Public Records Act, and you should use your City email to communicate about any matter within the jurisdiction of your commission. Emails sent from a personal email account are also subject to the Public Records Act to the extent they address a matter related to your commission’s jurisdiction. Please use your City email when so communicating to enhance efficiency and transparency. When advocating or discussing a matter within the scope of your commission’s jurisdiction, ensure that the email cannot be construed as representing the views of the full commission, unless the commission has affirmatively voted to approve the position presented. Please do not forward or reply to a City email from your personal email address. Once your term on the commission is over, your City email will be deactivated.”

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

Prepared by: Floy Andrews, Interim City Attorney

Reviewed by: Michael Woo, Senior Assistant City Attorney

Approved for Submission by: Tina Kapoor, City Manager

Attachments:

A - Draft Resolution and Commissioners' Handbook (Exhibit A)

B – Draft Commissioners' Handbook (redline)

C – Draft Commissioners' Handbook (clean)