

ORDINANCE NO. 20-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
REPEALING ORDINANCE NO. 006 REGARDING ADOPTION OF ROBERT'S
RULES OF ORDER AND AMENDING CHAPTER 2.08 OF THE CUPERTINO
MUNICIPAL CODE ACCORDINGLY**

The City Council of the City of Cupertino finds that:

1. In 1955 the Cupertino City Council adopted Ordinance No. 006 regarding the Council's adoption of Roberts' Rules of Order (75th Anniversary Edition, copyrighted 1951) as the parliamentary rules of procedure, and only a portion of said Ordinance was codified in the Cupertino Municipal Code. These parliamentary rules are outdated and the City Council desires to adopt clear parliamentary rules to guide the proceedings for Council and Commission meetings, and to provide clarity and transparency for the benefit of the general public.

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

SECTION 1. Adoption.

Ordinance No. 006 is hereby repealed in its entirety.

Section 2.08.010 Cupertino Municipal Code is hereby removed as shown below. Text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.

~~2.08.010 — Adoption of Rules.~~

~~The City Council 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 become effective upon a majority vote of the Council and shall be kept on file with the City Clerk and a copy thereof shall be exhibited to any person upon request.~~

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 Quality Act of 1970, 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 City Code would have no or only a de minimis impact 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 January 21, 2020 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:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM: _____ Heather Minner, City Attorney	_____ Date