

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
AMENDING CITY CODE TITLE 2, ADMINISTRATION AND PERSONNEL,  
OF THE CUPERTINO MUNICIPAL CODE CHAPTER 2.86 (HOUSING  
COMMISSION), TO AMEND THE REPRESENTATIVE FROM A FINANCIAL  
INSTITUTION REQUIREMENT

---

The City Council of the City of Cupertino finds that:

1. On May 21, 2019, the City Council directed staff to bring forth a Municipal Code Amendment to consider eliminating the financial representative position.

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 as shown below.

**CHAPTER 2.86: HOUSING COMMISSION**

**2.86.010 Established–Composition.**

A. The Housing Commission of the City is established. The Housing Commission shall consist of five members as follows:

1. Representative from a Cupertino business,
2. Four community members,

B. The representatives from a Cupertino business and the community members shall not 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.

C. The Director of Community Development, or his or her designee, shall provide technical assistance to the Commission.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

**2.86.020 Members–Residency–Selection.**

A. The Housing Commission member that is the representative of a business is not required to be a Cupertino resident, but the business represented must be located in Cupertino. The four community members must be residents of Cupertino.

B. In selection of community members, the City Council may give priority to:

1. Applicants who represent the Community Development Block Grant (CDBG) target areas as described in the city's Consolidated Plan.
2. Applicants who are familiar with the operation of affordable housing;
3. Applicants who represent non-profit community organizations; and
4. Applicants who are knowledgeable about the housing needs of groups targeted for affordable housing development which include, but are not limited to, the following:

1. Seniors,
2. Single parent families,
3. Homeless persons,
4. Families of low income,
5. Disabled persons,
6. Renters,
7. First time homebuyers.

(Ord. 2062, (part), 2010; Ord. 1892, (part), 2002; Ord. 1722, (part), 1996; Ord. 1641, § 1 (part), 1994; Ord. 1576, § 1 (part), 1992)

## **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 re-adoption 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, either directly or ultimately. 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 of a significant effect on the environment. CEQA applies only to projects which have the potential of 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 June 18, 2019 and **ENACTED** at a regular meeting of the Cupertino City Council on July 16, 2019 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
---	--------------------------

ATTEST:  _____ Grace Schmidt, City Clerk	  _____ Date
APPROVED AS TO FORM:  _____ Heather Minner, City Attorney	  _____ Date