RESOLUTION NO. 24-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO RESCINDING RESOLUTION NO. 16-137 AND AMENDING THE RESOLUTION ESTABLISHING RULES GOVERNING RECRUITMENT, ATTENDANCE, APPOINTMENTS, AND VACANCIES ON CITY ADVISORY BODIES

WHEREAS, the City of Cupertino wishes to establish uniform terms and conditions of office for advisory commissions; and

WHEREAS, there are within the City of Cupertino many citizens with talent, expertise, and experience who wish to serve the community; and

WHEREAS, the City Council believes it is important to provide these citizens the opportunity to contribute to their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino rescinds Resolution No. 16-137 and establishes the following rules governing recruitment, appointment, and reappointment to City of Cupertino Advisory bodies.

A. RECRUITMENT

1. Two months before regular terms expire, or immediately following receipt of a resignation, the City Clerk distributes the vacancy notice through a broad variety of resources when available, such as:
   - The Cupertino Scene
   - The Cupertino Courier
   - The World Journal
   - The Cupertino City Channel
   - City Hall bulletin board
   - The City Clerk's Office
   - The Cupertino Library
   - The Cupertino Chamber of Commerce
   - Cupertino City Web site
   - Other organizations that the City Clerk determine to be appropriate to solicit applications for the vacant positions
   - All persons with applications on file for that particular commission

2. Two months before regular terms expire, the City Clerk's Office also distributes the vacancy notice to the following individuals:

   - Members and interested residents registered with the Cupertino Citizen Corps, including Community Emergency Response Team (CERT), Medical Reserve Corps, and Cupertino Amateur Radio in Emergency Services (CARES)
   - Neighborhood Block Leaders and Neighborhood Watch volunteers
   - Individuals who have signed up for notification for City Council meetings or commission meetings

3. All vacancy notices and posting shall be done in accordance with the provisions of the Maddy Act, California Government Code 54970 *et seq.* Specifically, vacancy notices shall be posted for a minimum of 10 days.

4. Applications will remain active for one year after Council review. After that time, applicants shall submit a new application if they wish to remain on the list for consideration.

5. Those persons with applications on file within one year of Council review are advised of the vacancy by the City Clerk and may activate that application. Upon receipt of the vacancy notice, the applicant must contact the City Clerk's Office and ask that the application be reactivated.

6. An applicant may file for a maximum of two commissions at any one application period.

7. A member of an advisory body, having completed two consecutive terms, must wait two years after the term would have normally ended before being eligible to apply for the same commission or committee.

8. Application forms will be available on the City's website.

9. No application shall be accepted after the deadline.

10. When the final deadline has passed, the City Clerk's Office will email applicants the date, time and location of the interviews along with sample questions to consider.

11. The City Clerk's Office will copy the applicants' written material for Councilmembers. The written material will also be available for public review in the City Clerk's Office.

B. INTERVIEWS AND APPOINTMENTS

1. When Council meets to conduct interviews, it is a public meeting subject to the Brown Act and therefore open to the public. The candidates will be asked by the City Clerk (either in person or by written instructions left in the waiting area) to remain seated in the waiting area until they are called in for the interview. Candidates will also be asked to return to the waiting area until the announcement of the vote, or to go home and contact the City Clerk's Office the next day regarding the results. However, all applicants and members of the public have the option of remaining in the room for any or all of the meeting.

2. The City Manager or their designee shall establish criteria for service on each commission or committee based on familiarity with the subject matter of the commission or committee and/or demonstrated ability to conduct the work of the advisory body. The City Manager or their designee shall consult with advisory body members in developing the criteria for service and shall notify all interested applicants of the criteria. The City Manager or their designee shall advise Council as to which applicants meet established criteria for service but shall present all candidates meeting Municipal Code requirements to the City Council for interviews. Council retains full discretion to appoint the candidate of its choosing.

3. The order in which interviews are scheduled to take place will be determined by a drawing of names. The City Clerk will do this in advance.

4. Interviews are informal and usually last 5-8 minutes. Councilmembers are looking for:

    - Familiarity with the subject and/or demonstrated ability to conduct the work of the advisory body
    - Decision-making ability
    - Commitment to the position for which they have applied

5. Appointments will be made following a vote in public. The City Clerk will announce the votes.

C. UNSCHEDULED VACANCIES, ATTENDANCE, AND TRAINING

1. If a vacancy occurs for an unexpired term and interviews for appointment to that advisory body have been conducted within the previous ninety days, the unexpired term may be filled from those applications following the required posting of the vacancy.

2. The notice of unscheduled vacancy shall be posted no earlier than 20 days before nor later than 20 days after the vacancy occurs, and at least 10 working days before appointment. The notice of unscheduled vacancy must be posted in the Office of the City Clerk, at the City Hall bulletin board, at the Cupertino Library, and in other places designated by the City Clerk.

3. A member shall be considered removed from an advisory body under the following conditions:

   - A member misses more than three consecutive meetings
   - A member misses more than 25% of the advisory body's regular meetings in a calendar year
   - A member fails to comply with legally required training or conflict of interest reporting requirements after receiving notice and a 30-day opportunity to correct the noncompliance. A member who has failed to complete any mandated or legally required training or reporting requirement shall be precluded from participating in advisory body meetings as a member of such body.

4. It is the responsibility of the advisory body's staff liaison to notify the City Clerk of a member's attendance record to allow sufficient time to send a warning notice if the member has missed three consecutive meetings or 25% of the regular meetings, and to send a termination notice if the member has missed more than three consecutive meetings or more than 25% of the regular meetings in a calendar year.

5. A member who has been removed from an advisory body for inadequate attendance, failure to complete a legally required training, or noncompliance with conflict of interest reporting requirements may request a waiver of this provision by submitting a letter to the City Council setting forth the reason for the absences and confirming future availability.

D. GENERAL PROVISIONS

1. Term limit restrictions listed in this resolution do not apply to temporary appointments for unexpired terms.

2. All provisions of this resolution shall apply unless otherwise decided by the City Council on a case-by-case basis.

3. In the event that any provision of this resolution conflicts with the provisions of any other ordinance or City Council resolution governing a particular advisory body, the provisions of the ordinance or the resolution governing the particular advisory body shall prevail.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5th day of March, 2024, by the following vote:

Members of the City Council

AYES: Mohan, Fruen, Chao, Moore
NOES: Wei
ABSENT: None
ABSTAIN: None

SIGNED: Sheila Mohan Sheila Mohan, Mayor City of Cupertino	3/19/2024 Date
ATTEST: Kirsten Squarcia Kirsten Squarcia, City Clerk	3/19/2024 Date