



## **CITY ATTORNEY'S OFFICE**

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## **CITY COUNCIL STAFF REPORT**

Meeting: May 20, 2025

### Subject

Removal of Closed Session Start Time and Clarification that Meetings Rescheduled Due to Holidays or Elections Retain Regular Meeting Status

### Recommended Action

Introduce an Ordinance of the City Council of the City of Cupertino amending Title 2, Administration and Personnel, of the City of Cupertino Municipal Code amending Section 2.04.010, pertaining to closed session and regular meetings, by title only, and waive the first reading.

### Executive Summary

Proposed changes remove the fixed start time for closed sessions on regular meeting days, allowing the Council to determine start times as needed. Additionally, the amendments confirm that when regular meetings are rescheduled due to a legal holiday or a regular Cupertino election, the rescheduled meetings shall continue to be considered regular meetings.

### Background

Currently, the Municipal Code sets a fixed start time of 6:00 p.m. for City Council closed sessions held on regular meeting days. Including such administrative detail in the Municipal Code is both unnecessary and overly restrictive. Separately, the Municipal Code does not clearly state that City Council meetings automatically moved pursuant to the Municipal Code due to a holiday or an election day retain their status as regular meetings.

As such, the City Attorney recommends: 1) removing the closed session start time from the Municipal Code and 2) updating the Municipal Code to confirm that meetings moved because of a holiday or a regular Cupertino election are also considered regular meetings of the City Council.

### Reasons for Recommendation

The current schedule limits the time available for the City Council to conduct the City's confidential business in closed session, as is permitted under the Brown Act, to less than 45 minutes, which is insufficient.

Rather than include a codified closed session start time in the City's municipal code, the City Council may choose to set an informal standard start time for closed sessions. If a particular closed session agenda requires either more or less time than provided by the standard start time, the City Attorney or other City Staff may set an alternate time. If the start time needed is earlier than the standard start time, staff will poll Councilmembers in advance of setting the agenda to ensure availability.

#### Other Available Options

1. Set a start time of 5:00 p.m. rather than 6:00 p.m., which could be shortened as needed for any specific closed session meeting. But this does not provide the additional flexibility of allowing the City Council to set the standard start time for itself.
2. Set a start time of 5:30 p.m. rather than 6:00 p.m., which adds thirty minutes. But again, this does not provide the flexibility of allowing the City Council to set the standard time for itself.
3. Make no change to the status quo.

#### Sustainability Impact

No sustainability impact.

#### Fiscal Impact

No fiscal impact.

#### City Work Program Item/Description

None

#### Council Goal

None

#### California Environmental Quality Act

No California Environmental Quality Act impact.

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Prepared by: Brendan Browne, Special Counsel

Reviewed by: Floy Andrews, City Attorney

Approved for Submission by: Tina Kapoor, Acting City Manager

#### Attachments:

A - Draft Ordinance (redline)

B - Draft Ordinance (clean)