

CC 09-19-2023

#9

First Reading Ordinance
CA Health and Safety

Presentation

Amendments to CMC Chapter 9.22 (Ca Health & Safety 17970.5)

September 19, 2023



**CITY OF
CUPERTINO**

Background

State Mandate. *Assembly Bill 838: Signed on September 28, 2021 by Governor Gavin Newsom. Became effective July 1, 2022.*

Any building or portion thereof used for human habitation that endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

Inadequate sanitation, structural hazards, unsafe electrical or wiring, plumbing hazards, faulty weather protection, lead hazards, faulty mechanical equipment, and fire hazards all are examples of how a dwelling can threaten the health and safety of the occupants.

(California Health & Safety Code sections 17920.3 and 17920.10)

**Substandard housing codes apply only to rental/tenant occupied properties.*

What AB-838 Means

City Must:	City Cannot:
Take Complaints	Receive State Reimbursement
Respond Soon*	Not Respond
Investigate, Inspect and Assess	Charge Fees for Initial Inspection
Inspection Report (Notice of Violation)	Charge Fee for Inspection Report
Inform Property Owners	Charge Fee for Copies of Case Documents (affected parties)
Provide Copies of Case Documents (affected parties)	Refuse Communication (affected parties)

Ensuring the rental housing stock meets minimum standards is a health, life safety and quality of life issue.



The following are some examples of
Substandard Housing conditions:

Water Damage



Unsafe Electrical



Faulty
Mechanical
Equipment

Minor Roof
Leak

Moisture
Damage



Improper
Maintenance

Fire
Hazard
Ingress/Egress

Dilapidated
Structure



Unpermitted Addition & Change of Use





Recommended Action

Staff recommends that Council adopt the proposed amendments to Chapter 9.22 to codify property owners' obligations to maintain housing stock free of substandard conditions and to allow the City to recover some of the costs of enforcement incurred as a result of AB 838 to the extent permitted by State law.



Next Step

If there is a first reading and adoption tonight, the next step is for a second reading and adoption to be brought back for the next Council Meeting on October 17, 2023.



Questions?

CC 09-19-2023

#10

Tobacco Product Sales
Ordinance Update

Presentation

Tobacco Product Sales Ordinance Update

September 19, 2023



**CITY OF
CUPERTINO**

Background

- **Nov. 2019:** City adopted Ordinance No. 19-2190 requiring tobacco products retailers to obtain permit from City
- Ordinance is enforced and administered by Santa Clara County DEH at no cost to City
- **Sept. 2022:** County adopts updated ordinance for enforcing TRP
- City must adopt conforming updates to Chapter 5.50 to allow for continued County DEH enforcement

Recommended Action

- Conduct the first reading of Ordinance No. 23-2251: “An Ordinance of the City Council of the City of Cupertino Amending Chapter 5.50 to Title 5 (Business Licenses and Regulations) to Regulate the Sale of Tobacco Products.”

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Questions?

CC 09-19-2023

11

Ethics Policy Update

Updated Presentation

Ethics Policy Update

September 19, 2023



**CITY OF
CUPERTINO**



Background

- **November 2018:** Council adopts Ethics Code for elected and appointed officials
- **January 2019:** Council rescinds Ethics Code
- **January 2020:** Council adopts current Ethics Policy
- **December 2022:** Civil Grand Jury identifies Ethics Policy as area of concern



Background

- **February 2023:** Council adopts City Council Procedures Manual
- **May 2023:** City Attorney's Office releases Fact-Finding Report
- **July 2023:** Internal Auditor releases Enterprise Leadership Assessment

Ethics Policy Goals

- Encourage high standards of behavior by public officials
- Increase public confidence in institutions
- Assist public officials with decision-making
- *Rules- v. values-based ethics policies*



Questions for Council

- Who should be covered by the policy?
- What values should be reflected in the policy?
- Should any rules beyond the requirements of state ethics law be included in the policy?
- How should the policy be enforced?
- Should the policy include provisions for training and periodic review?



Public Outreach – Survey Topics

- **Integrity and honesty**
- **Responsibility and community service**
- **Fairness**
- Respect for fellow officials, staff and the public
- Compassion
- **Proper efficient use of public resources**
- Loyalty to the agency
- Vision
- Other

Recommended Action

- Re-adopt 2018 Ethics Code as starting point for Ethics Policy revisions
- Incorporate revisions to ensure consistency with Council Procedures Manual and incorporate Internal Auditor's recommendations re: FPPC compliance
- Provide direction on additional revisions



Questions?

CC 09-19-2023

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Presentation

Ethics Policy Update

September 19, 2023



**CITY OF
CUPERTINO**



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