



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT DESK ITEM

Meeting: May 20, 2025

Agenda Item #19

Subject

Amend Start Time 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.

Background:

The Municipal Code currently establishes a fixed start time of 6:00 p.m. for City Council closed sessions held on regular meeting days. 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.

The proposed Ordinance moves the closed session start time to 5:30 p.m. to give the City Council more time to address agenda items. Further, the Ordinance clarifies that meetings moved because of a holiday or Cupertino elections are 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.

This Ordinance proposes adjusting the closed session start time to 5:30 p.m. to allow the City Council additional time to discuss agenda items. Establishing a consistent earlier start time also helps avoid the logistical challenges of individually coordinating availability with Councilmembers for each closed session.

As such, the City Attorney recommends: (1) amending the Municipal Code to change the closed session start time to 5:30 p.m. 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.

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. Remove the fixed start time. But this creates the logistical challenge of individually coordinating availability with Councilmembers for each closed session.
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.

Prepared by: Vrunda Shah, Deputy City Attorney

Approved for Submission by: Tina Kapoor, Acting City Manager

Attachments Provided with Original Staff Report:

- A. *Draft Ordinance (redline)*
- B. *Draft Ordinance (clean)*

Attachments Provided with Desk Item

- C. *Amended Draft Ordinance (redline)*
- D. *Amended Draft Ordinance (clean)*