



## CITY ATTORNEY'S OFFICE

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### CITY COUNCIL STAFF REPORT

Meeting: May 5, 2026

#### Subject

Revisions to City of Cupertino City Council Procedures Manual

#### Recommended Action:

Consider suggested updates and adopt Resolution No 26-\_\_\_\_, approving amendments to the City Council Procedures Manual

#### Background

On February 7, 2023, the City Council adopted Resolution No. 23-021, approving the City of Cupertino Council Procedures Manual (the "Procedures Manual"). The Procedures Manual includes rules and guidelines for communication, meeting management, decorum, and decision-making. The Procedures Manual was subsequently amended in March 2024 (Resolution No. 24-024) and again in March 2025 (Resolution Nos. 25-016 and 25-021).

During the City Council meeting on March 18, 2025, Mayor Liang Chao requested additional updates, which were not considered at the time. Many of those additional updates, as well as further suggested updates, are now presented here for Council consideration.

The current updates include the following.

**Section 4.6, Undue Influence on Commissioners.** This section pertains to Councilmember influence on commissions and individual commissioners, indicating that Councilmembers may attend commission meetings and speak during public comment, but they must: (a) state they are speaking in their personal capacity as a resident of the City, (b) refrain from deliberating or participating in the discussion, and (c) refrain from trying to influence the vote or lobbying commission members outside of meetings.

**Section 5.1, Attendance and Remote Attendance.** This change would add remote attendance to the Attendance section, adding requirements for when Councilmembers participate remotely in Council meetings pursuant to the traditional remote participation rule of Government Code section 54953(b). It would require a Councilmember to sign an affidavit attesting that (1) the remote location is fully open and accessible to the public and (2) the meeting agenda was posted at the remote location in a place visible to the public during the meeting. It would also require the Councilmember to refrain from using a background cancelling filter if participating via an audio/video program, and at the start of the meeting state on the record whether any individuals of 18 years of age or older are present with them at the remote location. It would also require that Council agendas note if a Councilmember misses five or more meetings during a calendar year.

**Section 5.3, Regional Bodies.** This change would permit the Mayor to designate a temporary alternat when neither the assigned primary member nor the alternate member will be able to attend a regional body meeting.

**Section 7.1, Future Agenda Items.** This revised section provides that the City Manager will submit a quarterly update to Council on items requested by Councilmembers, know as the "TBD List," which may also include a request to remove items. It retains the current method for adding to the TBD List, (i.e., the City Manager, the City Attorney, the Mayor, or any two Councilmembers may make such a request). Although the revisions suggest that Councilmember requests be made outside of a noticed Council meeting. It also adds a new Horizon Report ("Horizon Report"), which should include tentative agenda items for the next three Council meetings with tentative meeting dates, agenda categories (consent, discussion item, public hearing), and assigned departments.

**Section 8.1, Meeting Procedures.** This update would require the Council to set a schedule of meetings for the calendar year prior to the second regular meeting in January.

**Section 8.6, Communications with Members of the Public.** This update adds language noting that campaigning is not appropriate during any Council public comment period.

**Section 8.8.7, Closing Debate.** This newly suggested section clarifies the vote needed to end Council debate on an issue. It states that a simple majority is needed to oppose closing debate when the Mayor moves to end debate, and a

supermajority is needed to end debate on a motion made by another Councilmember.

**Section 8.11, Study Sessions.** This new section sets forth the rules for study sessions, which are intended to be discussion items. The rule would allow Council to discuss the agenda item freely. The Mayor would retain discretion over the process, including when public comment would be heard and the method of collecting Councilmembers' perspectives, including taking a formal vote on what to request staff to bring back for Council consideration at a future meeting. No formal action would be permitted.

Draft Resolution No. 26-\_\_\_ (Attachment A) includes the suggested amendments to the Council Procedures Manual. A redline showing changes to the current Procedures Manual is provided as Attachment B.

Reasons for Recommendation and Available Options

Over the past year the Council has discussed various updates to the Council Procedures Manual. This is a distillation of those discussed updates.

Today, Council may determine that the Council Procedures Manual is workable as it currently stands, decide to accept any or none of the offered updates, or craft and adopt new potential updates during discussion of the item.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

City Work Program Item/Description

N/A

Council Goal

Public Engagement and Transparency

California Environmental Quality Act

Not applicable.

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Prepared by: Floy Andrews, Interim City Attorney

Reviewed and Approved by: Tina Kapoor, City Manager

Attachments:

A – Draft Resolution and Proposed City Council Procedures Manual (clean)

B – Draft Resolution and Proposed City Council Procedures Manual (redline)