

RESOLUTION NO. 25-\_\_\_\_

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL AMENDING THE  
CUPERTINO CITY COUNCIL PROCEDURES MANUAL**

WHEREAS, on February 7, 2023, the Cupertino City Council adopted Resolution No. 23-021, adopting the Cupertino City Council Procedures Manual; and

WHEREAS, on March 19, 2024, the City Council adopted Resolution No. 24-024, amending the City Council Procedures Manual; and

WHEREAS, on March 4, 2025, the City Council considered further amendments to the City Council Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby adopts the Cupertino City Council Procedures Manual, as amended, attached hereto as Exhibit A.
2. Resolution No. 24-024 and any other procedures, policies, or rules that are inconsistent with the Council Procedures adopted herein are hereby repealed and rescinded.
3. This Resolution shall take effect on March 5, 2025.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 4<sup>th</sup> day of March, 2025, by the following vote:

Members of the City Council

AYES:


NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p>  _____ Liang Chao, Mayor City of Cupertino	  _____ Date
<p>ATTEST:</p>  _____ Kirsten Squarcia, City Clerk	  _____ Date

## EXHIBIT A

 <b>City of Cupertino</b> <b>City Council Procedures</b> <b>Manual</b>	<b>Attachments:</b> Ex. A – Elected Officials' Compensation Program Ex. B – Council Technology Policy Ex. C – Resolution No. 07-103 Ex. D – Municipal Code Chapter 2.17
	<b>Effective Date:</b> March 4, 2025
<b>Related Policies &amp; Notes:</b> See Exhibits A–D.	

### 1. Introduction

**1.1 Purpose.** The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.

**1.2 Values.** Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall act with decorum and courtesy.

**1.3 Brown Act.** All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

**1.4 No Cause of Action Against City.** This Manual is intended to govern the internal policies and procedures. Violations of this Manual are enforceable solely through enforcement pursuant to Section 10. Nothing in this Manual is intended to give rise to a claim or cause of action against the City, or any City Councilmember or other City official.

### 2. Selection of the Mayor and Vice Mayor

**2.1 Selection of Mayor and Vice Mayor.** The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December.

**2.2 Removal of Mayor and Vice Mayor.** The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure substantially to perform their duties, (b) conviction for, or guilty plea to, a felony, or a crime involving moral turpitude, (c) abuse of illegal drugs or other controlled substances or habitual intoxication, or (d) other illegal activities. The removal should proceed with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor

### **3. Councilmember Committees and Subcommittees**

**3.1 Appointment.** The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

**3.2 Instructions and Expectations.** The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope of work and responsibilities. The committee's or subcommittee's jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

**3.3 Reporting.** Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.

### **4 Other City Commissions and Committees**

**4.1 Responsibility.** The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the

Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.

- 4.2 Attendance at Council Meetings.** The Chair or another commission member appointed by the Chair shall attend City Council meetings whenever the commission makes a recommendation to Council regarding an item of business on the Council agenda. The commission liaison shall promptly notify the Chair after an item requiring a commissioner's appearance is placed on a future City Council agenda.
- 4.3 Performance Expectations.** The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council-approved Commission and Committee Handbook and a mandatory annual training session for all Commission and Committee members.
- 4.4 Appointment.** Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee.
- 4.5 Removal.** The City Clerk shall notify the City Council and make a recommendation for potential removal of commission members for failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.
- 4.6 Undue Influence on Commissioners.** Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the

commission's recommendation as a member of the City Council. Individual Councilmembers shall have the right to attend meetings of Cupertino commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.

## 5. Administrative Matters

**5.1 Attendance.** City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Council members shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if five or more regular meetings are missed.

**5.2 Correspondence.** Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council approval. City letterhead will be made available for routine correspondence (*e.g.*, thank you notes). Official correspondence (including email) from Councilmembers should be respectful and professional.

**5.3 Regional Bodies.** The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council's position. Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a

meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is sent to the primary representative.

- 5.4 Responses to Public.** It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.
- 5.5 Reimbursement.** City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials' Compensation Program, as may be amended from time to time (Exhibit A). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit B).
- 5.6 Council Training.** Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law and shall attend training on the Brown Act and Rosenberg's Rules of Order. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County, by completing online a state-approved public service ethics education program, or through a state-approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.
- 5.7 Mayor's Initiative Budget.** The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for

projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit C). The amount of the Mayor's initiative budget is determined by the City Council.

## **6. Relationship with City Staff**

- 6.1 Incorporation of Municipal Code by Reference.** Cupertino Municipal Code Chapter 2.17 (Exhibit D) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.
- 6.2 Council/Manager Form of Government.** Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community. The City Manager provides professional expertise to manage the organization and carry out the Council's direction. To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and presents options, along with their associated pros and cons. The City Manager is responsible for carrying out the Council's policy direction through the day-to-day management of City functions, including the oversight of City operating departments. Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.
- 6.3 Council-Manager Relations.** The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager and/or staff should assume positive intent and treat it as a suggestion or comment.
- 6.4 Individual Councilmember Influence on Staff Decisions Prohibited.** Individual Councilmembers shall not attempt to influence



staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.

- 6.5 Decorum.** All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council's policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism of staff policy recommendations or decisions is a necessary component of Council's policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.
- 6.6 Councilmember Access to Information.** City Councilmembers have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.' A Councilmember may file a request for information by seeking information through a Public Records Act request to the same extent as any member of the public.
- 6.7 Authority of City Council.** Nothing in this Manual shall limit the City Council's power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the

office of the City Manager. This power cannot be delegated to individual Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

## **7. Agendas and Staff Reports**

- 7.1 Future Agenda Items.** The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. At the requestor's discretion, the agenda request may also include additional information explaining the rationale for or timing of the agenda item. Under the "Future Agenda Items" section of each regular Council meeting agenda, the City Manager shall include a document listing all current future agenda requests.
- 7.2 Preparation of Agenda.** The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.
- 7.3 Agenda Item Descriptions.** Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager. If the agenda item includes any budget request or modification, the amount of the request or modification should be stated when possible. The brief description of the agenda item should be comprehensible by a typical resident. For example, an amendment to the Municipal Code should include a description of the amendment, rather than only the Code section to be amended; similarly, an item related to a development project should include not only the street address, but the common name of the project when applicable. Where practicable, the second reading of an ordinance should have the same agenda title as the first reading.

**7.4 Staff Reports.** Staff reports should **include** the following sections:

1. Subject
2. Recommended Action
3. Executive Summary (optional)
2. Background
3. Reasons for Recommendation and Available Options
4. Sustainability Impact
5. Fiscal Impact
6. City Work Program Item
7. City Work Program Item Description
8. Council Goal
9. California Environmental Quality Act

The “Background” section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item. Where applicable, maps and charts should be provided in the staff report for easy reference.

**7.5 Agenda Publication.** Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. Written communications addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.

**7.6 Supplemental Materials.** Supplemental reports and materials received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports and materials received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council meeting. Council questions and staff-prepared responses will be included in supplemental materials provided to Council and the public.

**7.7 Written Communication.** All written communications on an agenda item sent after the meeting agenda is posted shall be included with the Council agenda materials and made available to the public. Any written communications on items not on the agenda shall be included with the Council agenda materials and made available to the public if the sender requests that the communication be so included. Written communication received before 4:00 p.m. on the day of

a regular City Council meeting will be posted by 5:00 p.m. Written communication received after 4:00 p.m. on the day of the regular City Council meeting will be posted on the business day following the meeting.

## 8. Meeting Procedures

**8.1 Meeting Schedule.** The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. The City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to the Brown Act. The City Council may by resolution reschedule regular meetings that occur the day after a Monday holiday on Wednesday of the holiday week. When a regular City Council meeting is rescheduled to a Wednesday, the agenda shall be published the prior Wednesday; the meeting shall start at 6:45 p.m. and follow the adopted Order of Business for regular City Council meetings.

**8.2 Rules of Order.** City Council meetings shall be governed by Rosenberg's Rules of Order except as otherwise provided by this Manual. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg's Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

**8.3 Order of Business.** The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Closed Session Report
5. Ceremonial Items
6. Postponements and Orders of the Day
7. Oral Communications (public comment on non-agenda matters)
8. Consent Calendar
9. Public Hearings
10. Action Calendar

11. Items Removed from the Consent Calendar
12. City Manager Report
13. Oral Communications (continued)
14. Councilmember Reports
15. Future Agenda Items
16. Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager's report. Councilmember Reports should focus on Council committee assignments and ceremonial appearances and may include other information relevant to matters within the jurisdiction of the City Council. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings. The Mayor shall determine the Order of Business of a special City Council meeting, subject to overruling by any objections sustained by a majority of vote of the City Council.

#### **8.4 Consent Calendar.**

**8.4.1 Adding Item to Consent Calendar.** The Mayor, the City Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended.

**8.4.2 Removing Item from Consent Calendar.** Items may be removed from the consent calendar only by a member of the City Council. Any member of the City Council who would like to remove any item from the consent calendar shall notify the City Manager and the City Clerk no later than 12:00 p.m. on the day of the City Council meeting. A request to remove a consent calendar item shall be made in writing and shall state the reason for removing the item from the consent calendar. Items may be removed from the consent calendar after 12:00 p.m. on the day

of the City Council meeting only by a majority vote of the Council. Items removed from the consent calendar shall be placed on the agenda for consideration after the action calendar.

**8.5 Public Comment.** An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a majority vote of the Council. Non-agenda matters (including Council and staff reports) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in Zoom within nine minutes of the time the Mayor opens public comment or prior to the close of public comment on the item, whichever is earlier. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing two or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to two minutes per group member to speak, up to a total of 10 minutes, to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

**8.6 Communications with Members of the Public.** The City Council may ask questions of speakers providing public comment but should avoid an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda.

Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council

meeting.

## **8.7 Conduct of Meetings**

**8.7.1 Councilmembers.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord courtesy to each other, to City employees, and to members of the public appearing before the City Council.

**8.7.2 City Employees.** City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

**8.7.3 Members of the Public.** Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting. Nothing in this Manual or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council, City advisory bodies, or City staff.

## **8.8 Discussion and Deliberation**

**8.8.1 Ex Parte Contacts.** Councilmembers shall disclose any ex parte communications prior to deliberation on a quasi-judicial matter. A quasi-judicial matter is typically a hearing in which the City Council hears evidence and makes findings of fact to reach a conclusion based on the applicable law. An ex parte communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any person or party in connection with a matter before the Council, without notice and the opportunity for all parties to participate.

**8.8.2 Relevance.** All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending matter; discussion

which departs from the item agendaized for discussion is out of order. Councilmembers should avoid repetition and shall not discuss matters that are not on the agenda. Arguments for or against a measure should be stated as concisely as possible.

**8.8.3 Council Questions and Deliberations.** Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. Councilmembers may yield any unused speaking time during Councilmember questions or deliberations to colleagues who have already used their allotted time. The Mayor may allow additional time for deliberations where appropriate to encourage meaningful discussion and exchange of ideas. '

**8.8.4 Opportunity for Equal Participation.** It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

**8.8.5 Civility.** While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

**8.8.6 Role of the Mayor.** The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.



**8.9 Meeting Length.** Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a vote of a majority of the City Council suspends this rule and Council votes affirmatively to extend the meeting past 11:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council.

**8.10 Public Hearing Procedures.** The order of proceeding where there is a public hearing item (non-appeal items) before the City Council shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Applicant's presentation (where applicable) (preferably 8 minutes)
4. Questions from the Council
5. Public comment
6. Applicant's response to public comment (where applicable) (preferably 2 minutes)
7. Close Public Hearing
8. City Council discussion and vote

Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Appellant's statement (preferably 8 minutes)
4. Applicant's statement (where applicable) (preferably 8 minutes)
5. Questions from the Council
6. Public comment
7. Applicant's response to public comment (where applicable) (preferably 2 minutes)
8. Appellant's response to public comment (preferably 2 minutes)
9. Close Public Hearing
10. City Council discussion and vote

**8.11 City Council Recess Period.** The City Council recess period shall begin the first Tuesday in August at 12:00 a.m. and end the Tuesday following Labor Day at 12:00 a.m. During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

## **9. Closed Sessions**

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney or the City Attorney's designee shall report out in public session any reportable action taken during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council. Any documents referenced or presented during closed sessions shall be shared with Councilmembers upon request and shared in the same manner as other closed session materials, with appropriate protections for confidentiality.

**10. Enforcement of Rules; Suspension of Rules.** Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by three votes of the Council. The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda.

## **11. Information Memoranda.**

**11.1 Staff Information Memoranda.** Two Councilmembers may request an

information memorandum be provided on any matter within the subject matter jurisdiction of the City Council. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from one or more requesting Councilmembers as to why the information is needed.

**11.2 Councilmembers Information Memoranda.** Individual Councilmembers may prepare information memoranda for inclusion in their Councilmember Reports. Councilmember memoranda may address any matter within the subject matter jurisdiction of the City Council that the Councilmember wishes to share with their fellow Councilmembers and the public, thereby enhancing transparency and accountability in City operations; provided however, that Councilmember memoranda shall not include confidential or deliberative information or communications or information protected by law from disclosure.

# EXHIBIT A

# EXHIBIT A

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 1

## PROGRAM PURPOSE AND DEFINITIONS FOR ELIGIBILITY

It is City of Cupertino policy that those certain persons holding positions hereinafter defined and designated as elected official positions shall be eligible for participation under the Elected Officials Compensation Program as hereby adopted by action of the City Council and as same may be amended or as otherwise modified from time to time.

Eligibility for inclusion with this Compensation program is limited to persons holding positions as elected officials. These are designated by the voters and may be modified as circumstances warrant.

The position in the following classification has been designated as elected official.

### ELECTED OFFICIAL CLASSIFICATIONS:

Classification	Title	City
		Council Member

Adopted by Action of the City Council,  
July 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 2

SALARY SCHEDULE

As rates of pay are set forth under the Cupertino Municipal Code 2.16.020, and hereby adopted by action of the City Council, so are those rates of pay included herein as a part of this Compensation program. The inclusion herein of said rates and schedules does not affect any effective dates or otherwise reflect on the approval processes required but is shown as an integral part of this Program for completeness of record.

Adopted by Action of the City Council  
July, 2013, October 2016

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 3

TRAINING AND CONFERENCES

I. POLICY

It is City of Cupertino policy that members of the City Council and the Council's commissions and committees, shall be reimbursed or receive a direct advance according to the schedules, terms and conditions as set forth herein for the expenses authorized below. This policy is established in accordance with California Government Code Sections 53232.2 and 53232.3.

III. AUTHORIZED EXPENSES

The City Council and their commission and committee members can receive reimbursements or advances toward actual and necessary expenses incurred by participating in the following activities or events:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
  2. Attending seminars, conferences, and training to improve skill and information levels;
  3. Participating in regional, state and national organizations whose activities affect the City's interests (such as the League of California Cities);
  4. Attending International Conferences, budget limited to \$2,500 per fiscal year, provided there is a benefit to the City;
  5. Attending City events;
- 
1. Attending functions of other local civic or community organizations where there is a clear nexus between the event and the member's attendance as an official representative of the City. Purely social events, service club dues and meals, and political or charitable contributions or events would be excluded. For purposes of this section, reimbursable fundraisers and events include, but are not limited to, Cupertino Union School District, Fremont Union High School District, Foothill- De Anza Community College District, Silicon Valley Leadership Group, Cupertino American Cancer Society (ACS) Relay for Life and Cupertino Chamber of Commerce activities.

The City will not reimburse or advance payment toward expenses including, but not limited to:

1. The personal portion of any trip;
2. Family expenses, including those of a partner when accompanying Council or commission member on City related business, as well as child or pet related expenses.
3. Entertainment expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.
4. Meals and entertainment paid on behalf of third parties outside of the City;
5. Gifts of any kind for any purpose;
6. Alcoholic beverages;
7. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations; and
8. Personal losses incurred while on City business.

#### IV. BUDGETARY LIMITATIONS

Reimbursement or advancement of expenses shall not exceed budgetary limitations. Changes in appropriations will be done through the budget process.

#### V. REIMBURSEMENT AND ADVANCE SCHEDULE

##### A. Intent

This schedule is written with the intent that the City Councilmember, commissioner, or committee member will make every effort to find the lowest possible cost to the City for traveling on City business. For example, if paying for parking at the airport is less expensive than paying for a taxi or airport shuttle, then officials should drive their car and park at the airport; or if renting a car is lower than taking taxis at the out-of-town location, then a car should be rented. Air reservations should be booked in advance to obtain discounted fares. The following procedures apply whether the expense is being paid through a reimbursement or a direct advance.



## B. Local Area

The local area is defined to be within Santa Clara and San Mateo Counties and within a 40 mile distance from Cupertino when traveling to Alameda County.

## C. Registration

The City will pay the registration fee for authorized attendance at a convention, conference, seminar or meeting.

## D. Transportation

The City will pay transportation costs on the basis of the lowest cost intent stated in paragraph A. Eligible transportation costs include airfare (with coach fare being the maximum), van or taxi service to and from the attendee's home and airport, destination or airport parking charges, taxi and shuttle services at the out-of-town location, trains, tolls, or rental cars. Use of a personal automobile for City business shall be reimbursed or advanced at the rate per mile in effect for such use, except in no case shall it exceed air coach fare if the vehicle is being used for getting to the destination. Government or group rates offered by a provider of transportation must be used when available.

## E. Lodging

Hotel or lodging expenses of the City official resulting from the authorized event or activity defined in this policy will be reimbursed or advanced if the lodging and event occur outside the local area. Not covered will be lodging expenses related to person(s) who are accompanying the City member, but who themselves are not on City business. In this instance, for example, the difference between single and multiple occupancy rates for a room will not be reimbursed.

Where the lodging is in connection with a conference or other organized educational activity, City-paid lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, providing that lodging at the group rate is available at the time of booking. If the group rate at the conference hotel is not available, then the non-conference lodging policy described in the next paragraph should be followed to find another comparable hotel.

Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement or advances shall be limited to the actual cost of the room at a group or government rate. In the event that a group or government

rate is not available, lodging rates that do not exceed the median price for lodging for that area and time period listed on travel websites like [www.hotels.com](http://www.hotels.com), [www.expedia.com](http://www.expedia.com) or an equivalent service shall be eligible for reimbursement or advancement.

#### F. Meals

##### 1. No Conference

The actual cost of a meal can be claimed, within a standard of reasonableness, but receipts must be kept and submitted for the expense incurred.

##### 2. As Part of a Conference

When City officials are attending a conference or other organized educational activity, they shall be reimbursed or advanced for meals not provided by the activity, on an actual cost basis. The actual cost rate shall follow the rules described in the meals with no conference paragraph.

#### G. Other Expenses

Payments toward or reimbursement of other expenses related to authorized activities or events shall be limited to the actual costs consistent with the application of reasonable standards. Receipts must be kept and submitted for all expenses.

### VI. DIRECT CASH ADVANCE POLICY

From time to time, it may be necessary for a City official to request a direct cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager or Department Head no less than seven days prior to the need for the advance with the following information: 1) Purpose of the expenditure; 2) The anticipated amount of the expenditure (for example, hotel rates, meal costs, and transportation expenses); and 3) The dates of the expenditure. An accounting of expenses and return of any unused advance must be reported to the City within 30 calendar days of the official's return on the expense report described in Section VII.

## VII. EXPENSE REPORT REQUIREMENTS

All expense reimbursement requests or final accounting of advances received must be approved by the City Manager or Department Head, on forms determined by the Finance Department, within 30 calendar days of an expense incurred, accompanied by a business purpose for all expenditures and a receipt for each item other than mileage. The report will be a public record subject to disclosure under the Public Records Act.

## VIII. REPORTS TO CITY COUNCIL OR COMMISSIONS

At the next regular City Council or commission meeting, each councilmember or commissioner shall briefly report on publicly noticed meetings attended at City expense. If multiple members attended the meeting, a joint report may be made.

## IX. POLICY VIOLATIONS

Violations of this policy including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the City, (3) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 4) prosecution for misuse of public resources.

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 4

MILEAGE REIMBURSEMENTS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be compensated fairly for the use of personal automotive vehicles on City business. Those persons who occasionally are required to use their personal automobiles for City business shall be reimbursed for such use at the established IRS rates. Submission of reimbursement requests must be approved by the City Manager.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 5

ASSOCIATION MEMBERSHIPS AND  
PROFESSIONAL PUBLICATIONS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be entitled to City sponsored association memberships as well as receiving subscriptions to professional and technical publications. Such sponsorship, however, shall be conditioned upon the several factors as set forth below.

Each association for which membership is claimed must be directly related to the field of endeavor of the person to be benefited. Each claim for City sponsored membership shall be submitted with their concurrence to the City Manager for approval.

Subscriptions to or purchase of professional and technical publications may be provided at City expense when such have been authorized by the City Manager providing the subject matter and material generally contained therein are related to municipal governmental operations.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
 ELECTED OFFICIALS' COMPENSATION  
 PROGRAM  
 Policy No. 7

HEALTH BENEFITS PLAN - CITY

CONTRIBUTION

It is the policy of the City of Cupertino to provide group hospital and medical insurance under which the elected official positions and their dependents may be covered. The purpose of this program is to promote and preserve the health of employees and their families through comprehensive health plans available only through employer sponsorship.

Although the premium cost for the insurance provided remains the ultimate responsibility of the employee in these positions, the City shall contribute the amounts listed below towards the premium or pay the full cost of the premium if less than the stated amounts. If the premium amounts for any employee covered by this policy are less than the amounts listed below per month, the difference between the premium amount and the stated amounts will be retained by the City.

Effective January 1, 2020	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	848.87	126.78	975.65
Employee +1	1,443.09	126.78	1,569.87
Employee +2	1,876.01	126.78	2,002.79

January 1, 2021	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	891.32	126.78	1,018.10
Employee +1	1,515.24	126.78	1,642.02
Employee +2	1,969.81	126.78	2,096.59

January 1, 2022	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	935.88	126.78	1,062.66
Employee +1	1,591.01	126.78	1,717.79
Employee +2	2,068.31	126.78	2,195.09

\*Dental Coverage: Effective the first month after Council adoption of MOU, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

Adopted by Action of the City Council  
July, 2013, October 2016, **July** 2019,  
December 2019, January, 2023

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 9

LIFE INSURANCE

It is the policy of the City of Cupertino to provide life insurance benefits to the elected officials to a maximum of \$16,000.

The elected officials may enroll in the life insurance program offered if eligible under the contract provisions of the policy and the personnel rules of the City. The full cost of premiums for these programs shall be paid by the City for such individuals.

Adopted by Action of the City Council  
July, 2013



City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 10

DEFERRED COMPENSATION

It is the policy of the City of Cupertino to provide equitable current compensation and reasonable retirement security for the elected officials for services performed for the City. The City participates in the California Public Employees' Retirement System (PERS) and deferred compensation plans have been established. Both the elected official and City may make contributions from current earnings to these plans. The purpose of this policy is to promote means by which compensation may be provided in such manner and form to best meet the requirements of the City and the needs of the elected officials..

The City shall maintain and administer means by which the elected officials in these positions may defer portions of their current earnings for future utilization. Usage of such plans shall be subject to such agreements, rules and procedures as are necessary to properly administer each plan. Individual contributions to such plans may be made in such amounts as felt proper and necessary to the elected official. The City contributions shall be as determined by the City Council.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 11

PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRIBUTION

A. Council Members occupying office on or before December 29, 2012 Only:

For Council Members occupying office on or before December 29, 2012, the City has contracted with CalPERS for a 2.7% @55 retirement formula.

Effective in the first full pay period in July 2017, each employee shall pay the full 8.0% of applicable salary of the employee's contribution towards CalPERS.

B. Council Members occupying office on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations Only.

For Council Members hired on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations only the City has contracted with CalPERS for a 2.0% @ 60 retirement formula, three year average compensation

Effective January 1, 2017, the City shall not pay the employee's contribution rate to the California Public Employees Retirement System (CalPERS) and each employee shall pay the full 7% of applicable salary of the employee's contribution towards CalPERS.

C. For Council members occupying office on or after January 1, 2013, or former CalPERS employees that do not qualify as Classic employees hired by the City of Cupertino on or after January 1, 2013

For Council Members occupying office on or after January 1, 2013 CalPERS has by statute implemented a 2% @ 62 formula, three year average and employees in this category shall pay 50% of the normal cost rate as determined by CalPERS.

Adopted by Action of the City Council  
July, 2013, October 2016, July 2019

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 12

DENTAL INSURANCE - CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide dental insurance under which the elected official positions and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$126.78\* per month per individual. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with Personnel Rules of the City and the provisions of the contract for such insurance between the City and carrier or carriers.

\*Dental Coverage: Effective the first month after Council adoption of agreement, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

Adopted by Action of City Council  
July, 2013, October 2016, July 2019

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 14

EMPLOYEE ASSISTANCE PROGRAM

It is the policy of the City of Cupertino to provide an Employee Assistance Program for the benefit of the elected officials and their eligible dependents. The purpose of this program is to provide professional assistance and counseling concerning financial, legal, pre-retirement, and other matters of a personal nature.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 17

VISION INSURANCE - CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide vision insurance under which employees and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$14.94 per month per employee. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with the provisions of the contract between the City and carrier or carriers providing vision insurance coverage,

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 18

## TECHNOLOGY POLICY

### **Purpose**

This policy establishes guidelines and standards regarding the provision of technology hardware and software for Councilmembers.

### **Scope and Applicability**

This policy applies to all City Councilmembers for the provision and maintenance of City issued technology hardware and software. This technology is in addition to City technology equipment and software residing within the Mayor's and Council's office at City Hall.

### **Technology Provision**

To facilitate communications with citizens, staff and other Councilmembers, each Councilmember may elect to be issued the following technology hardware at the beginning of each term.

- 1 Laptop
- 1 Docking Station
- 1 Monitor
- 1 Webcam
- 1 Keyboard & Mouse
- 1 Phone with Voice/Data Plan

Each Councilmember's issued laptop will have the following additional software applications:

- Office productivity platform, e.g., Microsoft 365
- Cybersecurity Tools, e.g., end point protection and multifactor authentication
- Video Conferencing, e.g., Zoom

Each Councilmember's issued phone will have the following additional software applications

- Office productivity platform
- Cybersecurity Tools
- Video Conferencing

Issued technology hardware and software will meet current City hardware and software standards to ensure proper security, maintenance, and support.

Councilmembers who wish to not use City issued equipment must provide written acknowledgement that the technology they will use has current antivirus software and all software applications are up to date from a cyber security standpoint.

Councilmembers use the issued equipment for the performance of official City business. Data contained within the equipment is public property and considered a public record, therefore subject to all Public Records Act and Brown Act policies.

Councilmembers, upon completion of their term, will return all issued equipment to the Innovation & Technology Department. City equipment and/or software is not available for purchase.

### **City Support**

Innovation & Technology staff are solely responsible to provide technical support and maintenance for issued equipment and may be reached at [helpdesk@cupertino.org](mailto:helpdesk@cupertino.org) or (408) 777-3381. If required, Councilmembers shall bring their equipment to City Hall for repair and/or service.

Adopted by Action of the City Council  
July, 2019, January, 2023

**City of Cupertino**

City Council

and

Planning Commission

Compensation

Effective January 1, 2017



CITY OF CUPERTINO CITY COUNCIL  
AND PLANNING COMMISSION  
EFFECTIVE January 1, 2017

The salaries, wages or rates of pay for members of the City Council and Planning Commission are set forth below. Only the City Council can modify these rates.


Members of the City Council	\$737.54/month
Members of the Planning Commission*	\$50.00/meeting (maximum \$200 monthly)

Effective first full pay period in July 2017

Members of the City Council	\$743.07/month
Members of the Planning Commission*	\$50.00/meeting (maximum \$200 monthly)

\*Benefits as set forth in this document do not apply to members of the Planning Commission.

## EXHIBITB

 <b>Council Technology Policy</b>	<b>Citywide Policy Manual Policy#</b>
	<b>Attachments:</b>  <i>N/A</i>
<b>Effective Date:</b>  December 12, 2022	<b>Responsible Department:</b>  Innovation & Technology
<b>Related Policies &amp; Notes:</b>  This policy supersedes previous Council Technology Polices from 2005, 2012, and 2018	

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<b>Submitted By:</b>	<b>Approved By:</b>
<b>Printed Name:</b> Bill Mitchell	<b>Printed Name:</b> Pamela Wu
<b>Title:</b> CTO	<b>Title:</b> City Manager
<b>Signature:</b> <i>Bi,,{£M</i>	<b>Signature:</b>
<b>Date:</b> December 11, 2022	<b>Date:</b>

# EXHIBIT C

## RESOLUTION NO. 07-103

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO PROVIDING FOR A DISCRETIONARY FUND TO BE ADMINISTERED BY THE CITY MANAGER TO PROVIDE A FUNDING SOURCE FOR PROJECTS THAT THE MAYOR MAY WISH TO PROPOSE FROM TIME TO TIME DURING THE MAYOR'S TERM OF OFFICE

WHEREAS, The City Council wishes to provide a small source of funds for projects that may be proposed at the discretion of the Mayor during the Mayor's term of office; and,

WHEREAS, The City Council wishes to establish a Mayor's initiative budget that will be included as part of the City Manager's Office budget in the City Manager's discretionary account; and,

WHEREAS, The City Council wishes to determine, as part of the budget process, the amount of funding for the duration of the Mayoral term;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino that Mayor's initiative budget is established in an amount to be determined by the City Council as part of the City Manager's discretionary fund to be used for projects that the Mayor deems appropriate during the Mayor's term of office; and,

BE IT FURTHER RESOLVED that the decision to spend money on a Mayor's project will be jointly determined by the Mayor and the City Manager, except that the City Manager may, at his or her sole discretion escalate the spending decision to the City Council if he or she determines that to be necessary or appropriate; and,

BE IT FURTHER RESOLVED that the City Council will be advised by an item on the Council Agenda prior to the date of the Mayor's State of the City Address, of any new project or initiative that the Mayor may wish to propose during the State of the City Address.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5<sup>th</sup> day of June 2007, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Wang, Kwok, Lowenthal, Mahoney, Sandoval
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:  
ls/Kimberly Smith

APPROVED:  
ls/Kris Wang

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City Clerk

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Mayor, City of Cupertino

**CHAPTER 2.17: CITY COUNCIL/CITY STAFF RELATIONSHIPS**

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- 2.17.010 Preamble.
- 2.17.020 Intent and purpose.
- 2.17.030 Council and Council members.
- 2.17.031 Council power.
- 2.17.032 Individual Council members.
- 2.17.033 Council Policy.
- 2.17.034 Information.
- 2.17.040 Staff.
- 2.17.041 Execution of Council direction.
- 2.17.042 Undue influence.
- 2.17.043 Timely response.

**2.17.010 Preamble.**

After the City of Cupertino's incorporation, the City Council enacted Ordinance No. 106 creating and establishing the Council/City Manager form of government whereby the City Council controls the administrative services of the City only through the City Manager. The Council/Manager form of government is intended to provide the best of unencumbered professional/technical staff input balanced with the collective oversight of elected officials. Under the Council/Manager form of government neither the City Council, nor individual Council members, can give orders to any subordinates of the City Manager. The City Manager takes his or her orders and instructions from the City Council only when given at a duly held meeting of the City Council. No individual council member can give any orders or instructions to the City Manager. Although this provision has worked well over the years, a number of specific issues and questions have arisen from time to time regarding the respective roles of the City Council and City Manager due, in part, to the City's expanding involvement into a variety of new areas of society. It therefore has become necessary and convenient for the City Council to delineate with more specificity the respective roles of City Manager, the City Council and individual Council members.

(Ord. 2009, 2007)

**2.17.020 Intent and Purpose.**

The intent of this chapter is to address and clarify the relationship between the City Council, individual Council members, and city staff by:

- A. Maintaining control and direction of the City by the City Council as a whole;
- B. Insuring that City Council members have free access to the flow of any information relative to the operation of the City and insuring that such information is communicated by staff in full and with candor to the Council;
- C. Ensuring that the Council decision making process benefits from the unencumbered input and advice from the professional staff free from undue influence in staff decision making, formation of staff recommendations, scheduling of work, and executing department priorities without intervention by individual Council members;
- D. Allowing city staff to execute priorities given by management and the City Council and protecting city staff from undue influence from individual Council members.

(Ord. 2009, 2007)

**2.17.30 Council and Council members.**

**2.17.31 Council Power.**

The City Council retains the full power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Council members, nor to committees composed of council members consisting of less than a quorum of the City Council.

(Ord. 2009, 2007)

**2.17.32 Individual Council members.**

Individual Council members shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council.

(Ord. 2009, 2007)

**2.17.33 Council Policy.**

If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of council policy.

(Ord. 2009, 2007)

#### **2.17.34 Information.**

Individual Council members as well as the City Council as a whole, have complete freedom of access to any information requested of staff (except information which is otherwise protected by law from disclosure) and will receive the full cooperation and candor of City staff in being provided with any requested information. Information sought by an individual council member may, at the discretion of the City Manager, be automatically provided to the City Council as a whole. In exercising this discretion, the City Manager will consider whether the information is significant or new or otherwise not available to the Council or is of interest to the Council.

(Ord. 2009, 2007)

#### **2.17.40 Staff.**

##### **2.17.41 Execution of Council Direction.**

The primary functions of City staff is the execution of Council policy and actions taken by the Council as well as keeping the Council informed regarding the general operations of the city.

(Ord. 2009, 2007)

##### **2.17.42 Undue Influence.**

City staff may take guidance and direction only from management or the City Council as a whole. Staff is prohibited from accepting direction or being unduly influenced by individual Council members to pressure staff members into making, changing or otherwise suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff members will report such attempts to influence them in confidence to the City Manager, who may inform the City Council as a whole of such attempts. Any staff member who violates this prohibition may be subject to disciplinary action at the discretion of the City Manager.

(Ord. 2009, 2007)

##### **2.17.43 Timely Response.**

City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of work load or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. In terms of making this judgment, the following guidelines should be considered:

- A. Is the request specific and limited in scope so that staff can respond without altering other priorities and with only minimal delay to other assignments?
- B. Is the request a "one time" work requirement, as opposed to an on-going work requirement?
- C. Does the response to a request require a significant allocation of staff resources (generally defined as consisting of more than one staff person, or a single staff person working on the request in excess of two hours)?

(Ord. 2009, 2007)