

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TITLE 2, ADMINISTRATION AND PERSONNEL, OF
THE CITY OF CUPERTINO MUNICIPAL CODE AMENDING SECTION 2.04.010,
PERTAINING TO CLOSED SESSION AND REGULAR MEETINGS**

The City Council of the City of Cupertino finds that:

WHEREAS, the Cupertino Municipal Code currently sets a fixed set time of 6:00 p.m. for the City Council closed session meetings held on regular days; and

WHEREAS, often the City Council needs more time to discuss the agenda matters than the 30-40 minutes currently provided by the codified start time of 6:00pm; and

WHEREAS, it is preferable that the City Council have the flexibility to begin closed session meeting earlier than 6:00 p.m. based on the availability of Councilmembers; and

WHEREAS, the Cupertino Municipal Code does not clarify that meetings moved because of a holiday or Cupertino elections are regular meetings of the City Council; and

WHEREAS, the City Council seeks to improve procedural flexibility and transparency by removing the fixed closed session start time from the Cupertino Municipal Code and confirming that rescheduled meetings due to holidays or elections are still considered regular meetings.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

The Cupertino Municipal Code is hereby amended as shown below. Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.

“Sec. 2.04.010 Regular Meetings.

The City Council shall hold regular meetings on the first and third Tuesdays of each month at six forty-five p.m. and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Such adjourned meetings may likewise be adjourned and any so adjourned meeting shall be a regular meeting for all purposes. The City Council may cancel a regular meeting by a vote of a majority of the Council.

~~On regular meeting days, the City Council shall begin any closed session items at six o'clock p.m.~~

City Council meetings that fall on legal holidays shall automatically be moved to the following day: **and shall be regular meetings.**

City Council meetings that fall on any Election Tuesday in a regular Cupertino election year shall automatically be moved to the first Monday of the month: **and shall be regular meetings.**

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because

it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action to remove the fixed start time for closed session items on regular meeting days and the rescheduled meetings shall continue to be considered regular meetings would have no or only a de minimis effect on the environment because it is a procedural change that does not result in a physical change to the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on May 20, 2025 and **ENACTED** at a regular meeting of the Cupertino City Council on June 3, 2025 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Liang Chao, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Floy Andrews, City Attorney</p>	<p>_____</p> <p>Date</p>