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CITY COUNCIL STAFF REPORT

Meeting: January 17, 2023

Subject

Consider adopting Cupertino City Council Procedures Manual

Recommended Action

Provide input regarding Council procedures and approve Resolution No. 23-____, adopting Cupertino City Council Procedures Manual

Discussion

The City Council has previously adopted resolutions that govern some aspects of Council procedure, such as the order of business (Resolution No. 19-062). However, the City has no comprehensive set of procedures governing the conduct of Council meetings and other Council activities. The dearth of formal procedures governing the conduct of Council meetings, Council's relationship with advisory bodies, and various administrative matters is uncommon in peer jurisdictions.

The City Manager and City Attorney recommend that Council consider adopting written procedures to govern Council processes. Such procedures will reduce the need for ad hoc decisionmaking and ensure that all Councilmembers and City staff are subject to consistent rules and have the same expectations. Staff developed the Draft Cupertino City Council Procedures Manual (Attachment B) based on examples from peer jurisdictions in the region, selecting rules for clarity and recommended practices, and taking into account current City Council practices and expectations. The Draft Manual includes the following sections, with noteworthy modifications or additions to current procedures or policies listed in italics:

1. Introduction. Describes the purpose of the Manual and includes statements regarding values and Brown Act compliance
2. Selection of the Mayor and Vice Mayor. Establishes procedures for the selection and removal of the Mayor and Vice Mayor

The Mayor and Vice Mayor would be prohibited from serving consecutive terms.

A procedure for removal of the Mayor and Vice Mayor would be established.

3. Councilmember Committees and Subcommittees. Establishes procedures for the appointment and operation of Council committees and subcommittees
4. Other City Commissions and Committees. Establishes procedures for the appointment and operation of other City commissions and committees and rules regarding the relationship between Councilmembers and these advisory bodies

Former Councilmembers would not be eligible to serve on commissions or committees for four years after their term expires.

New rules are proposed to prevent undue influence on City commissions.

5. Administrative Matters. Addresses attendance at Council meetings, Councilmember correspondence, appointments to regional bodies, responses to public correspondence, proclamations, reimbursement of Council expenses, and Councilmember ethics training

Standards would be established for various administrative matters, including the enactment of a new policy governing ceremonial correspondence.

6. Relationship with City Staff. Incorporates by reference and expands upon existing rules governing Council-staff relations codified in Municipal Code Chapter 2.17

Decorum requirements relating to public criticism of staff are clarified.

A new rule is proposed to prevent Councilmembers from using the Public Records Act to circumvent limits on individual Councilmembers' ability to influence staff workloads.

7. Agendas and Staff Reports. Establishes a process for requesting future agenda items, the process for preparation and publication of the agenda, and formats for agenda item descriptions and staff reports

New procedures are proposed to formalize the future agenda item list and agenda preparation process.

Rules for agenda item descriptions are proposed to reflect Brown Act guidelines and a recent court ruling.

Minor modifications to the format of staff reports are proposed.

8. Meeting Procedures. Establishes procedures for the scheduling and conduct of Council meetings

Council would adopt a meeting schedule at the beginning of each calendar year.

Procedures for the seating of Councilmembers are proposed.

Modifications to the order of business are proposed.

Changes to the process for public comment on consent items and removing an item from the consent calendar are proposed.

Clarifications on rules for consolidating time for public comments and limits on the total amount of time any member of the public can speak at a meeting are proposed.

Standards for decorum would be required for Council and City staff and recommended for members of the public.

Council would be required to disclose ex parte contacts prior to deliberation on any quasi-adjudicative matter.

Standards for relevance of Council deliberations would be clarified.

A procedure would be established for allocating time to Councilmembers during deliberations.

Limits would be imposed on beginning discussion of an agenda item after 10:30 p.m. and continuing a Council meeting after 11:00 p.m.

Public hearing procedures would be established.

Council would formally recess at a set time each year.

9. Closed Sessions. Establishes procedures for closed session meetings

10. Enforcement of Rules; Suspension of Rules. Addresses process for enforcement and suspension of the rules set forth in the Procedures Manual

As noted above, the proposed Procedures Manual attempts to formalize certain current Council practices and bring other practices in line with practices in peer jurisdictions. Staff seeks Council direction as to whether to adopt written City Council procedures, including direction on any additions or modifications to the Draft Manual that Council wishes to incorporate into the final version of the document.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by:

Christopher D. Jensen, City Attorney

Approved for Submission by:

Pamela Wu, City Manager

Attachments:

A - Draft Resolution

B - Draft Cupertino City Council Procedures Manual