



## CITY ATTORNEY'S OFFICE

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## CITY COUNCIL STAFF REPORT

Meeting: February 7, 2023

### **Subject**

Consider adopting Cupertino City Council Procedures Manual

### **Recommended Action**

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.

On January 17, 2023, Council considered a draft Cupertino City Council Procedures Manual and provided preliminary feedback to staff. Following the January 17 meeting, Council provided comments on the draft Manual, which were consolidated and presented to Council and the public for consideration at a study session held on January 25. At that meeting, Council provided direction to the City Manager and City Attorney via a series of straw poll votes and approved a motion directing staff to return to Council with a revised Procedures Manual that reflects the results of the straw poll votes. Attachment A show revisions reflecting the direction provided by Council. In addition, the revised Manual reflects the City Manager's recommendation to remove the Ceremonial Correspondence Policy for consideration as a future agenda item. Staff recommends that the adoption of the Ceremonial Correspondence Policy and revisions to other Council policies be considered for inclusion in the Fiscal Year 2024 work program.

The revised Procedures 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.*

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.*

*Modifications to the order of business are proposed.*

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

*Rules establishing procedures and time limits for public comments 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, including a modification of procedural rules for limiting debate.*

*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

Staff recommends adopting the Procedures Manual, as revised based on Council's input. Staff further recommends that the adoption be effective on February 8, 2023 to allow time to prepare for the February 21 Council meeting.

**Sustainability Impact**

No sustainability impact.

**Fiscal Impact**

No fiscal impact.

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Prepared by:

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Approved for Submission by:

Pamela Wu, City Manager

Attachments:

A - Draft Cupertino City Council Procedures Manual (redline)

B - Draft Resolution