

**ORDINANCE NO. \_\_-\_\_**

**AN ORDINANCE OF THE CUPERTINO CITY COUNCIL  
AMENDING THE CUPERTINO MUNICIPAL CODE, TITLE 2, TO UPDATE,  
CLARIFY, AND IMPROVE CONSISTENCY IN VARIOUS PROVISIONS  
PERTAINING TO CITY COMMISSIONS**

**WHEREAS**, the City Council finds that amending Chapters 2.32, 2.36, 2.60, 2.68, 2.74, 2.80, 2.84, 2.86, 2.88, 2.90, 2.92 and 2.94 of the Cupertino Municipal Code is appropriate and advisable to improve readability and consistency.

**NOW, THEREFORE**, the Council of the City of Cupertino does ordain as follows:

**SECTION ONE** - The following sections of Chapter 2.32 of the Cupertino Municipal Code pertaining to the Planning Commission are hereby amended to read as follows:

**2.32.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Planning Commission shall be four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment, and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.32.060 Amendments – Records.**

A. The affirmative vote of not less than a majority of its total voting members is required to approve a recommendation to amend the zoning ordinance; the affirmative vote of a majority present with a quorum present is required to take any other action.

B. The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the Council as may be required by ordinance or resolution, and shall submit an annual report to the Mayor. These records shall be filed with the City Clerk.

**SECTION TWO** - The following sections of Chapter 2.36 of the Cupertino Municipal Code pertaining to the Parks and Recreation Commission are hereby amended to read as follows:

**2.36.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Parks and Recreation Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

#### **2.36.070 Records.**

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

#### **2.36.80 Powers and Functions**

The powers and functions of the City Park and Recreation Commission shall be as follows:

A. To hold hearings on matters pertaining to planning and development of parks, cultural activities, historical resources, recreation, community services (including, but not limited to schools and senior services), and capital expenditures related to community activities and facilities;

B. To conduct such other hearings as are necessary and in accordance with its own rules and regulations;

C. To report its decisions and recommendations in writing to the City Council;

D. To consider, formulate and propose programs, activities, resources, plans and development designed to provide for, regulate and direct the future growth and development of community activities, parks and a recreation system in order to secure to the City and its inhabitants better service;

E. To make investigations and reports for future acquisition of park sites;

F. To make, in its advisory capacity, any and all recommendations to the City Council relating to the above matters, including the extension of the parks, recreation system and community activities to outlying areas of the City;

G. In cooperation with the Director of Recreation and Community Services, the Commission will consider, review, and evaluate parks, recreation programs, and community activities;

H. To consider, formulate, and propose cultural activities and historical preservation for the City and its residents.

**SECTION THREE** - Section 2.40.030 of the Cupertino Municipal Code is hereby removed:

#### ~~**2.40.030 Membership**~~

~~The Cupertino Disaster Council/Citizen Corps Council shall consist of selected representatives of the City's Emergency Organization as defined in section 2.40.070 of this chapter. The Mayor, or designee, shall serve as Chairperson and the Emergency Services Coordinator, or designee, as Vice Chairperson of the Disaster Council/Citizen Corps Council and shall make recommendations for representatives from the Emergency Organization.~~

**SECTION FOUR** - The following sections of Chapter 2.60 of the Cupertino Municipal Code pertaining to the Public Safety Commission are hereby amended to read as follows:

**2.60.020 Terms of Office**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Public Safety Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.60.060 Records.**

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION FIVE** - The following sections of Chapter 2.68 of the Cupertino Municipal Code pertaining to the Library Commission are hereby amended to read as follows:

**2.68.020 Terms of Office.**

A. Commission members serve at the pleasure of the City Council. The term of office of the members of the Library Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.68.060 Records.**

The Commission shall keep a record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION SIX** - The following sections of Chapter 2.74 of the Cupertino Municipal Code pertaining to the Technology, Information, and Communications Commission are hereby amended to read as follows:

**2.74.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Technology, Information, and Communications Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms except that a commissioner may serve more than

two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.74.050 Records.**

The Commission shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION SEVEN** - The following sections of Chapter 2.80 of the Cupertino Municipal Code pertaining to the Fine Arts Commission are hereby amended to read as follows:

**2.80.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Fine Arts Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms, except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.80.070 Records.**

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION EIGHT** - The following sections of Chapter 2.84 of the Cupertino Municipal Code pertaining to the Planning Commission are hereby amended to read as follows:

**2.84.020 Terms of Office.**

The terms of staff members are ongoing unless changed by action of the City Council. The term of the City Council person and Planning Commissioner shall be reviewed periodically by the City Council and Planning Commission respectively for reappointment or a new appointment. Because this Committee is composed of staff and members of other bodies it is not directly governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.84.070 Records.**

The Committee shall keep an accurate record of its proceedings and transactions, and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

**SECTION NINE** - The following sections of Chapter 2.86 of the Cupertino Municipal Code pertaining to the Housing Commission are hereby amended to read as follows:

**2.86.030 Terms of Office.**

A. Housing commissioners serve at the pleasure of the City Council. The term of office of the members of the Housing Commission shall be for four years commencing on the date of their respective appointments to the Housing Commission or its predecessor Commission and shall end on January 30th of the year their terms are due to expire. No member shall serve more than two consecutive terms except that a member may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.86.090 Records.**

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

**SECTION TEN** - The following sections of Chapter 2.88 of the Cupertino Municipal Code are hereby amended to read as follows:

**2.88.030 Terms of Office.**

A. Audit Committee members serve at the pleasure of the City Council. The term of office of the members of the Audit Committee shall be for four years commencing on the date of their respective appointments to the Audit Committee and shall end on January 30th of the year the terms are due to expire. No Audit Committee member shall serve more than two consecutive terms unless he or she has been appointed to the committee to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Audit Committee are governed by the Resolution of the City Council which governs advisory bodies.

**2.88.090 Records.**

The committee shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission as may be required. These records shall be filed with the City Clerk.

**SECTION ELEVEN** - The following sections of Chapter 2.90 of the Cupertino Municipal Code are hereby amended to read as follows:

**2.90.080 Records.**

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A. The committee shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council and Planning Commission directly after each meeting. The appeal of said decision is governed by [Chapter 19.12](#) of the zoning code. The committee shall also comply with all requirements of the State of California Open Meeting Law (the Brown Act), including the preparation and posting of meeting agendas.

B. These records shall be filed with the City Clerk.

**SECTION TWELVE** - The following sections of Chapter 2.92 of the Cupertino Municipal Code are hereby amended to read as follows:

**2.92.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The term of office of the members of the Bicycle Pedestrian Commission shall be for four years and shall end on January 30th of the year their term is due to expire. No commissioner shall serve more than two consecutive terms, except that a commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.92.070 Records.**

The Commission shall keep an accurate record of its proceedings and transactions and shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION THIRTEEN** - The following sections of Chapter 2.94 of the Cupertino Municipal Code are hereby amended to read as follows:

**2.94.020 Terms of Office.**

A. Commissioners serve at the pleasure of the City Council. The initial term of office of two of the members of the Commission selected from among the community members shall be for two years. The initial term of the remaining Commissioners shall be for a four year period. All subsequent terms shall be for a four year period. All terms shall end on January 30th of the year the term is due to expire. No Commissioner shall serve more than two consecutive terms, except that a Commissioner may serve more than two consecutive terms if he or she has been appointed to the Commission to fill an unexpired term of less than two years.

B. The appointment, reappointment and rules governing incumbent members of the Commission are governed by the Resolution of the Cupertino City Council which governs advisory bodies.

**2.94.070 Records.**

The Commission shall keep an accurate record of its proceedings and transactions, and

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shall render such reports to the City Council as may be required. These records shall be filed with the City Clerk.

**SECTION FOURTEEN - IMPLEMENTATION.**

The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

**SECTION FIFTEEN - SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Cupertino hereby declares that they would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION SIXTEEN - EFFECTIVE DATE; PUBLICATION.**

The City Clerk is directed to post and publish this Ordinance in accordance with law in a newspaper of general circulation printed and published in the County of Santa Clara, or as otherwise required by law. This ordinance shall take effect thirty (30) days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Cupertino the 20<sup>th</sup> day of November, 2018 and ENACTED at a regular meeting of the City Council of the City of Cupertino the \_\_\_\_ day of \_\_\_\_ 2018, by the following vote:

<u>Vote:</u>	<u>Members of the City Council</u>
Ayes:	
Noes:	
Absent:	
Abstain:	

ATTEST:

APPROVED:

\_\_\_\_\_  
Grace Schmidt, City Clerk

\_\_\_\_\_  
Darcy Paul, Mayor, City of Cupertino