

ORDINANCE NO. 1895

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING CHAPTER 2.XX OF THE CUPERTINO MUNICIPAL CODE
ESTABLISHING THE BICYCLE PEDESTRIAN COMMISSION**

Whereas, the City Council wishes to establish the Cupertino Bicycle Pedestrian Commission,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 2.XX of the Municipal Code of Cupertino is hereby adopted as follows:

Chapter 2.XX BICYCLE PEDESTRIAN COMMISSION

2.XX.010 Established-Composition.

The Bicycle Pedestrian Commission of the City is established. The Bicycle Pedestrian Commission shall consist of five members, none of whom shall be officials or employees of the City, nor cohabit with as defined by law, nor be related by blood or marriage to any member of the Commission, the City Manager or any staff person(s) who may be assigned by the City Manager to assist this Commission. All members shall be City of Cupertino residents. Members of the Bicycle Pedestrian Commission shall be appointed by the City Council.

2.XX.020 Members--Terms.

- 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 15th 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 Resolution No. 02-064 of the Cupertino City Council.

2.XX.030 Members--Vacancy or removal.

Any appointee member may be removed by a majority vote of the City Council. If a vacancy occurs other than by expiration of a term, it shall be filled by the City Council's appointment for the unexpired portion of the term.

2.XX.040 Chairperson.

The Commission shall elect its chairperson and vice-chairperson from among its members and shall appoint a secretary. Terms of the chair and vice-chair shall be for one year and shall be complete on January 15th.

2.XX.050 Meetings--Quorum.

- A. The Bicycle Pedestrian Commission shall establish a regular place of meeting and rules of conduct thereof and shall hold at least one regular meeting each month, unless a regular meeting is cancelled by direction of the Commission Chairperson.
- B. A majority of the Bicycle Pedestrian Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

2.XX.060 Majority vote required.

A majority vote is required to approve a recommendation on any matter that is presented to the Commission that requires a vote.

2.XX.070 Records required.

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.

2.XX.080 Powers and functions.

- A. The powers and functions of the Bicycle Pedestrian Commission shall be to review, monitor and suggest recommendations for City transportation matters including, but not limited to, bicycle and pedestrian traffic, parking, education and recreation within Cupertino.
- B. To fulfill their mission, the Commission may involve itself in the following activities:
 - 1. To monitor and update the Bicycle Transportation Plan and Pedestrian Transportation Guidelines;
 - 2. To suggest recommendations, review, and monitor the City's General Plan Transportation Element;
 - 3. To receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
 - 4. To make recommendations regarding the implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;
 - 5. To make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
 - 6. Any other activity that may be deemed appropriate and necessary.

2.XX.090 Compensation--Expenses.

Members of the Bicycle Pedestrian Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.

2.XX.100 Procedural Rules.

The Commission may adopt from time to time such rules of procedure as it may deem necessary to properly exercise its powers and duties. Such rules shall be kept on file with the Chairperson of the Commission, the Mayor, and the City Clerk, and a copy thereof shall be furnished to any person on request.

2.XX.110 Effect.

Nothing in this chapter shall be construed as restricting or curtailing any powers of the City Council or City officers.

This ordinance shall take effect thirty (30) days after its passage.

INTRODUCED at a regular meeting of the City Council of the City of Cupertino this 6th day of May, 2002, and ENACTED at a regular meeting of the City Council of the City of Cupertino this 3rd day of June, 2002, by the following vote:

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

ATTEST:

/s/ Kimberly Smith

City Clerk

APPROVED:

/s/ Richard Lowenthal

Mayor, City of Cupertino