

ORDINANCE NO. 20-2212

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE SECTION 2.18.030 (COUNCIL-ATTORNEY RELATIONS) OF CHAPTER 2.18 (CITY ATTORNEY) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) TO LIMIT USE OF CITY ATTORNEY TIME BY INDIVIDUAL CITY COUNCILMEMBERS

The City Council of the City of Cupertino finds that:

1. Cupertino Municipal Code Section 2.18.030 enables individual City Councilmembers to seek and obtain legal advice from the City Attorney; and
2. The City Council wishes to limit the use of City Attorney time by individual City Councilmembers.

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

SECTION 1. Adoption.

The Cupertino Municipal Code, Section 2.18.030, is hereby amended to insert language as shown in *italics* below.

2.18.030 Council-Attorney Relations

Individual Councilmembers may seek and obtain legal advice from the City Attorney on any matter or matters pertaining to the legal position of the City. *Such legal advice is limited to two hours per City Councilmember within any given week.* Any such advice given to individual Councilmembers, however, may be repeated to the entire Council at any regular or special Council meeting *or in a confidential communication from the City Attorney.* With respect to advice to individual Councilmembers regarding potential conflicts of interest, the City Attorney may render informal advice; provided, however, that it is understood that a Councilmember is automatically protected from potential liability for conflict of interest only upon taking action which conforms to a written opinion issued by the California Fair Political Practices Commission.

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 re-adoption of the earlier provisions.

SECTION 3: Effective Date.

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

SECTION 4: 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 October 6, 2020 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2020 the following vote:

| <u>Vote</u> | <u>Members of the City Council</u> |
|-------------|------------------------------------|
|-------------|------------------------------------|

AYES:

NOES:

ABSENT:

ABSTAIN:

| | |
|--------------------------------------------------------------------|-----------------------|
| SIGNED: _____ Steven Scharf, Mayor City of Cupertino | _____ Date |
| ATTEST: _____ Kirsten Squarcia, City Clerk | _____ Date |
| APPROVED AS TO FORM: _____ Heather Minner, City Attorney | _____ Date |