

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO  
REGULARIZE CITY COMMISSION AND COMMITTEE TERMS AND REVISE  
COMMISSIONER QUALIFICATIONS**

The City Council of the City of Cupertino finds that:

WHEREAS, the Cupertino City Council recognizes the importance of City Commissions and Committees in ensuring that the Council receives community input into Council decision making; and

WHEREAS, the City Council has identified a need to regularize the appointment process of Commission and Committee members as part of the 2023-2025 City Work Program and to align with the intent of the Municipal Code; and

WHEREAS, the City Council finds that qualifications for certain Commissioner appointments should be revised to improve the recruitment process and increase accessibility for interested, eligible community members.

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

**SECTION 1.:    Adoption of Uncodified Ordinance.**

- A. Notwithstanding Municipal Code Chapter 2.36, the terms of the three longest-serving Parks and Recreation Commissioners shall expire on January 30, 2025, and the terms of the remaining two Commissioners shall expire on January 30, 2027.
- B. Notwithstanding Municipal Code Chapter 2.60, the terms of the two longest-serving Public Safety Commissioners shall expire on January 30, 2025, and the terms of the remaining three Commissioners shall expire on January 30, 2027.
- C. Notwithstanding Municipal Code Chapter 2.74, the terms of the three longest-serving Technology, Information, and Communications Commissions shall expire on January 30, 2027, and the terms of the remaining two Commissioners shall expire on January 30, 2029.

- D. Notwithstanding Municipal Code Chapter 2.80, the terms of the two longest-serving Arts and Culture Commissioners shall expire on January 30, 2025, and the terms of the remaining three Commissioners shall expire on January 30, 2027.
- E. Notwithstanding Municipal Code Chapter 2.86, the terms of the two longest-serving Housing Commissioners shall expire on January 30, 2025, and the terms of the remaining three Commissioners shall expire on January 30, 2027.
- F. Notwithstanding Municipal Code Chapter 2.88, the term of the longest-serving Council-appointed Audit Committee member shall expire on January 30, 2025, and the terms of the remaining two Council-appointed Audit Committee members shall expire on January 30, 2027.
- G. Notwithstanding Municipal Code Chapter 2.94, the terms of the two longest-serving Sustainability Commissioners shall expire on January 30, 2025, and the terms of the remaining three Commissioners shall expire on January 30, 2027.
- H. For purposes of this Ordinance, “longest-serving” shall be determined by the length of service during the Commissioner’s current term, and shall not include the length of service during any preceding term on any Commission, but shall include the length of service of the successor to any Commissioner serving a partial term.
- I. In the event that two or more Commissioners or appointed committee members have served terms of equal length that would otherwise each qualify to be lengthened or shortened by Paragraphs A through G of this Section 1, the City Clerk shall draw lots to determine the resulting term of each such Commissioner or committee member such that the members’ terms expire on the dates set forth in Sections A through H.

**SECTION 2: Adoption of Municipal Code Amendments.**

**A. Section 2.86.020 of the Municipal Code is revised as follows:**

A. The Housing Commission members ~~that is the representative of a business is not required to be a Cupertino resident, but the business represented must be located in Cupertino. The four community members~~ must be residents of Cupertino.

B. In selection of ~~community members~~ commissioners, the City Council may give priority to:

1. Applicants who represent the Community Development Block Grant (CDBG) target areas as described in the city's Consolidated Plan.
2. Applicants who are familiar with the operation of affordable housing;
3. Applicants who represent non-profit community organizations; and
4. Applicants who are knowledgeable about the housing needs of groups targeted for affordable housing development which include, but are not limited to, the following:
  1. Seniors,
  2. Single parent families,
  3. Homeless persons,
  4. Families of low income,
  5. Disabled persons,
  6. Renters,
  7. First time homebuyers.

**B. Section 2.94.010 of the Municipal Code is revised as follows:**

A. The Sustainability Commission of the City of Cupertino is established. The Sustainability Commission (hereinafter referred to in this Chapter as "Commission") shall consist of five members as follows:

~~1. One representative from a Cupertino-based business;~~

21. One representative from a Cupertino-based primary, secondary, or higher educational institution;

~~32.~~ Three Four community members.

B. Commission members who are representatives of a ~~business or~~ educational institution are not required to be Cupertino residents, but the ~~business and~~ educational institution must be located in Cupertino. The ~~three~~ four community members must be residents of Cupertino.

C. In selection of community members, the City Council may give priority to:

1. Applicants who represent the target sectors and partners as described in the Cupertino Climate Action Plan (hereinafter referred to in this Chapter as "CAP").

2. Applicants who are familiar with climate change mitigation and adaptation strategies, greenhouse gas emissions inventories, resource and utility conservation, sustainability and behavior change.

3. Applicants who represent non-profit community organizations and environmental interest groups.

D. None of these representatives shall be officials or employees of the City, nor cohabit with, as defined by law, nor be related by blood or marriage to any other member of the Commission, to the City Manager or to any staff person(s) who may be assigned to assist this Commission.

E. Members of the Commission shall be appointed by the City Council.

F. The Sustainability Manager, or his or her designee, shall provide technical assistance to the Commission.

### **SECTION 3: 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 readoption of the earlier provisions.

### **SECTION 4: Effective Date.**

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

**SECTION 5: 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 March 5, 2024 and **ENACTED** at a regular meeting of the Cupertino City Council on March 19, 2024 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Shelia Mohan, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM:  _____ Christopher D. Jensen, City Attorney	_____ Date