

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
ADDING CHAPTER 2.95 “TEEN COMMISSION”, TITLE 2 “ADMINISTRATION  
AND PERSONNEL” TO THE CUPERTINO MUNICIPAL CODE TO FORMALLY  
CODIFY THE TEEN COMMISSION**

**WHEREAS**, the Teen Commission was established by City Council pursuant to Resolution 02-065, as amended through various other resolutions, including resolutions nos. 02-167, 04-405, 05-095, 09-078, 09-115, 16-138, and 18-019;

**WHEREAS**, the City Council desires to formalize the Teen Commission in the Cupertino Municipal Code.

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

**SECTION ONE** - Chapter 2.95 “Teen Commission” is added to Title 2 “Administration and Personnel” of the Cupertino Municipal Code, as follows:

**CHAPTER 2.95 TEEN COMMISSION**

**Section**

2.95.010 Established.

2.95.020 Terms of Office.

2.95.030 Vacancy — Removal.

2.95.040 Chairperson.

2.95.050 Meetings—Quorum.

2.95.060 Majority Vote Required.

2.95.070 Records.

2.95.080 Powers and Functions.

2.95.090 Compensation—Expenses.

2.95.100 Procedural Rules.

2.95.110 Effect.

**2.95.010 Established.**

The Teen Commission of the City is established. The Teen Commission (hereinafter referred to in this Chapter as "Commission") will be comprised of nine members, at least one person from each public middle school and public high school in Cupertino, if possible. Membership on the Commission will be limited to Cupertino residents. Members may attend schools outside of the City limits, or be schooled at home. Commissioners must be in the 8th through 11th grade at time of appointment. None of the Teen Commissioners shall be otherwise officials or employees of the City of Cupertino nor be related by blood or marriage to any official or employee of the City. Commissioners should reflect the broadest possible representation of Cupertino youth.

**2.95.020 Terms of Office.**

A. Commission members serve at the pleasure of the City Council. The term of office of Teen Commission members shall be for two years. Five appointments will be made in odd-numbered years and four appointments in even-numbered years. The terms will begin on September 1<sup>st</sup> and end on August 31<sup>st</sup> of the year their term is due to expire. Commissioners shall not serve consecutive terms unless there is a vacancy for which there is no eligible applicant, at which time the City Council may waive this restriction.

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 and the Resolution of the Cupertino City Council which governs the Teen Commission specifically.

**2.95.030 Vacancy—Removal.**

Any appointee member may be removed by a majority vote of the total membership of the City Council. Vacancies shall be filled by appointment by the City Council, and shall be for the unexpired portion of the term of office vacated.

**2.95.040 Chairperson.**

The Commission shall elect its Chairperson and Vice-Chairperson from among its members. The terms of the Chairperson and Vice-Chairperson shall be for one year.

**2.95.050 Meetings—Quorum.**

A. The Teen Commission shall hold regular meetings at least every other month, and, at the discretion of the Commission, such other meetings as may be necessary or expedient.

B. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

**2.95.060 Majority Vote Required.**

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

**2.95.070 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.

**2.95.080 Powers and Functions.**

The powers and functions of the Teen Commission shall be as follows:

- A. Advise the City Council and staff on issues and projects important to youth.
- B. Perform such other tasks as may be expressly requested of it by the City Council.

**2.95.090 Compensation – Expenses**

Members of the Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

**2.95.100 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 subject to the approval by the City Council and 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.

**2.95.110 Effect.**

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

**SECTION TWO – INAPPLICABILITY.**

Nothing in this Chapter is intended to apply to activities that are constitutionally protected or authorized by law.

**SECTION THREE - CEQA EXEMPTION.**

The City Council finds, based on its own independent judgment, that the proposed amendments to the Cupertino Municipal Code are exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the proposed amendments are not a project which has the potential

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for causing a significant effect on the environment. A notice of Exemption will be filed with the County Clerk.

#### **SECTION FOUR - INCONSISTENCIES REPEALED.**

This Ordinance is intended to be controlling on the authority to approve plans and designs of public improvements, and shall supersede all prior ordinances, resolutions, rules, or regulations that are in conflict herewith. Any provisions of the Cupertino Municipal Code, or appendices thereto, or any other ordinance of the City inconsistent herewith, are repealed only to the extent of such inconsistencies and no further.

#### **SECTION FIVE - 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 SIX - 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 SEVEN - 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:

Vote:

Members of the City Council

Ayes:

Noes:

Absent:

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Abstain:

ATTEST:

APPROVED:

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Grace Schmidt, City Clerk

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Darcy Paul, Mayor, City of Cupertino