

COUNCIL CANDIDATE ORIENTATION
Questions & Answers Session
September 27, 2024

Staff's responses to questions received from candidates are shown in italics.

Candidate Question: Candidates can submit Public Records Act requests. Why are sitting councilmembers not able to submit this type of request? (Wang)

Staff response: The Cupertino Municipal Code (Chapter 2.17) attempts to reconcile the right of an individual councilmember to obtain information from staff with the principle that City staff take direction from a majority of the Council, acting as a legislative body. The City Council adopted a procedural rule to prohibit the use of Public Records Act requests by councilmembers in an attempt to preserve the balance that Chapter 2.17 embodies.

Candidate Question: There is a City policy prohibiting events for candidates at Community Hall and other City facilities. Why did this happen when events used to occur in those locations? (Wang)

Staff response: Per the Candidate Restrictions on Campaign Activity, candidates may not campaign in City facilities, in general. For Community Hall in particular, holding a campaign event in the facility could create the perception of endorsement by the City.

Candidate Question: What happens if the results of the election can't be certified in time? (Wang)

Staff response: The Registrar of Voters is required to certify the election results within 30 days of the election (Elections Code 15372). The method of determining the winner in the event of a tie vote will be resolved and winner determined by lot (City Council Resolution No. 24-057).

Candidate Question: Which City Commission provides oversight on the Public Works Department (Wang)

Staff response: None. The oversight is provided by the City Manager.

Candidate Question: What's the definition of what goes into the Capital Improvement Program (CIP) versus the City Work Program? (Moore)

Staff response: Capital Improvement Projects (CIP) are primarily focused on long-term physical infrastructure and capital assets. These projects involve the construction, repair, renovation, or expansion of major physical facilities such as roads, parks, public buildings, and storm drain systems.

City Work Program (CWP) Projects focus more on operational, administrative, or policy-related goals rather than physical construction. These projects often address key strategic objectives for

city departments or initiatives that guide city operations, service improvements, and community planning. These projects align with the adopted Council goals outlined at: <https://www.cupertino.org/our-city/city-council/city-council-goals>.

Candidate Question: Please explain the Special Projects list. (Moore)

Staff response: Special Projects are typically unique or non-recurring initiatives that do not fit neatly into the capital improvement or operational categories. These projects address specific, often urgent or high-priority needs that may arise outside of the regular city planning or budgeting cycle. Special projects are usually initiated to respond to a particular issue, opportunity, or challenge facing the city.

Candidate Question: Newly elected Councilmembers will be sworn in on December 12. How soon after they take office will their health plan benefits coverage start? (Sinks)

Staff response: New councilmembers will be eligible to receive health benefits effective the 1st of the following month (that HR receives the request to enroll). They have 60 days to enroll from their start date (start date is their first meeting in December).

Candidate Question: What happens if a candidate running for office is unable to fulfill their term? (Wang)

Staff response: The vacancy would be filled by appointment or by calling a special election by a majority of council (CMC 2.04.040).

Candidate Question: What happens if a candidate is elected and can't be seated? (Sinks)

Staff response: Council decides whether to appoint a person or to call a special election to fill the vacancy.

Candidate Question: Would the newly elected person participate in the vote on whether to appoint someone or to call a special election?

Staff response: The City Attorney would need to provide a legal opinion on the matter.

Candidate Question: There is information on the City website regarding candidate statements that have not been filed before the deadline or have been filed late. What is the enforcement for non-filers? (Sinks)

Staff response: The Fair Political Practices Commission (FPPC) oversees enforcement of potential violators of the Political Reform Act. Complaints may be filed with the FPPC Enforcement Division (fppc.ca.gov).