

RULES AND OPEN GOVERNMENT COMMITTEE

CHUCK REED, CHAIR
MADISON P. NGUYEN, VICE CHAIR
PETE CONSTANT, MEMBER
PIERLUIGI OLIVERIO, MEMBER
ROSE HERRERA, ALTERNATE

STAFF: RICHARD DOYLE, CITY ATTORNEY
TONI TABER, ACTING CITY CLERK
DEBRA FIGONE, CITY MANAGER

AGENDA

2:00 P.M.

March 6, 2013

Wing 118-120

A. City Council (City Clerk)

1. Review March 12, 2013 Final Agenda
 - a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)
2. Review March 19, 2013 Draft Agenda
 - a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

B. Review of Upcoming Study Session Agenda(s)

1. [Set a City Council Special Meeting entitled Green Vision Implementation on March 18, 2013, from 1:30 p.m. to 4:30 p.m., in the City Council Chambers. \(City Manager\)](#)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

1. [Because there will not be a full Council present at the March 19, 2013 City Council meeting, the Mayor recommends that the Final Review/Approval of the 2013-2014 Mayor's March Budget Message be moved to the March 26 City Council Meeting. \(Mayor\)](#)

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
 - a. [Approve the appointments of Darren Wallace as the representative nominated by the San José Firefighters, Local 230 \(IAFF\); David Woolsey as the representative nominated by the San José Police Officers Association \(SJPOA\); and Pascal Roubineau as the representative nominated by the "trades organizations" consisting of Association of Building, Mechanical & Electrical Inspectors \(ABMEI\), International Union of Operating Engineers, Local 3 \(OE#3\) and International Brotherhood of](#)

F. Boards, Commissions and Committees (Cont.)

Electrical Workers (IBEW) to the Deferred Compensation Advisory Committee (Committee) for four year terms ending March 1, 2017; and placing the item on the March 12, 2013 Agenda for action.. (City Manager)

- b. [Approve the appointments of Jeff Burrill, President and CEO of Pangenera, LLC dba Panera Bread, and George Massoud, CEO and Founder of IntraServe Systems, to serve as private sector representatives on the work2future Board of Directors. \(Mayor\)](#)
2. Workplans
 - a. [Add as a one time item the “Discussion and possible action on Out of Town Taxi Permits” to the Airport Commission Workplan on March 25, 2013. \(City Manager\)](#)
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. [Approval of the District 10 Great America Litter Pick-Up Event as a City Council sponsored Special Event; and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the March 12, 2013 Agenda for action. \(Khamis\)](#)
3. [Approve the resolution relating to the burdens placed upon the City by representatives and officials from the Socialist Republic of Vietnam traveling in or through the City of San José; and direct the City Attorney to make necessary changes and prepare the resolution in the most efficient way. \(Chu\)](#)
4. [That the Rules and Open Government Committee accept the Santa Clara Valley Water District’s \(SCVWD\) FY 2014 – Joint advocacy Federal projects in the City of San José’s jurisdiction and approve the City’s mutual request for funds through the funding process; and placing the item on the March 12, 2013 Agenda for action, in order to provide the SCVWD the City’s support for these projects \(City Manager\)](#)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

I. Open Government

1. Appeals of Public Records Act Request
 - a. [Deny the appeal of John Hrabe regarding the withholding of Division of Gaming Control \(DGC\) records pertaining to applications for permits or licenses by Eric Swallow, Casino M8trix, and/or Garden City Casino. \(City Manager\)](#)

J. Open Forum

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the Committee.

K. Adjournment

The City San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. **The City Code of Ethics may be viewed on-line at http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf**

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2nd Floor Wing, San José, Ca 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website at

<http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/Rules.asp>

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.

- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.