

10 January 2018

To: Neighborhood Commission

From: ICOC Chair

Subject: ICOC January 2018 Status Report

The Independent Citizen Oversight Committee (ICOC) met on 4 January 2018 for a special meeting in the Tower Conference Room. Present were committee members Jim Carter, Gary Cunningham, Richard Giammona, Mimi Hernandez, Pete Kolstad, Terry Martin, and CMO Staff member Sabrina Para-Garcia.

On the agenda, was a discussion of the Annual Measure B ¼-Cent Sales Tax Matrix and the flowchart depicting the ICOC reporting structure with Leland Wilcox, Assistant to the City Manager, ICOC members. The discussion was postponed because of Mr. Wilcox's unavailability.

The draft ICOC plan under development was reviewed by the committee. As a result of the discussion, several items were identified that needed clarification and resolution before the plan can be finalized. Maintaining the proposed ICOC schedule is a concern of all the ICOC members. The ICOC has not been able to maintain the project milestones and runs the risk of not being able to complete its goals in the required time because needed information has not been received in a timely manner.

The ICOC agreed to send a memo to David Sykes, City Manager and Don Rocha, Councilmember District 9 identifying the information needed and requesting it be provided as soon as possible.

A special meeting is scheduled for Wednesday, 10 January 2018 following the NC meeting.

Gary Cunningham
ICOC Chair

1. Review Current Calendar and Staff Input

2018 Caucus Schedule (as of 1/10/18)			
	Target Date	Date Picker	Partner
D1	Saturday, May 19, 2018	Gary	D1LG
D3	Wednesday, April 18, 2018	Pete	D3CLC
D5	Wednesday, April 25, 2018	Juan	D5 United?
D7	Friday, May 11, 2018	Jonathan	D7 United?
D9		Terry	

- Dates need to be confirmed with City Clerk's Office and Staff.
- Note newly compressed schedule.
- Need ALL HANDS ON DECK for each Caucus.

2. Straw votes of the Full Commission (Additional discussion and vote in February.)

Yes	No	
		We have always allowed up to three delegates per neighborhood group. Does three favor larger groups? Should we change to one?
		UNSCC's Ken Podgorsek cannot moderate the caucuses. Should we use the "N+1" commissioners who already involved? Alternative ideas?
		ROGC strongly recommended UNSCC involvement. Why? Can we satisfy them with other actions? Without Ken Podgorsek, UNSCC doesn't provide much additional value.
		In the past, we have published a booklet for each caucus. Do they serve a value? Do they give attendees something to study? Is the candidate list helpful? Should we continue the effort?
		Should we invite the Council office to observe? Should they approve "surprise" Neighborhood Groups? Could they provide other benefits? Would they exert undue influence?
		Should commissioners be elected by a MAJORITY of delegates or a PLURALITY? (Majority is 50%+1 while Plurality is simply "most votes.") What is the "will of the people?"

3. Review Job Description and Recruitment Scripts (Additional discussion and vote in February.)

What do WE want from new commissioners? What commitment do WE expect?

4. History from Founding Chair Beth Shafran-Mukai shows the intentions of the originals.

See attached.

NEIGHBORHOODS COMMISSION BYLAWS

Whereas, the Caucus Elected Neighborhoods Commission has found it necessary and desirable to adopt Rules of Order for the conduct of its business, now therefore,

BE IT RESOLVED BY THE Caucus Elected Neighborhoods Commission of the City of San Jose that the Commission does hereby adopt Rules of Order for the conduct of its business, as follows:

RULES OF ORDER

**ARTICLE I
GENERAL PROVISIONS**

Section 100. DEFINITIONS. As used in these rules, unless the context clearly indicates otherwise:

- (a) "Commission" means the Caucus Elected Neighborhoods Commission;
- (b) "Brown Act" means the Ralph M. Brown Act, California Government Code Sections 54950 et seq., as amended.
- (c) "Fiscal Year" means July 1 through June 30.

Section 101. GENERAL. The name of the Commission, the number of its members, the members' qualifications, and their appointment, removal and terms of office shall be prescribed by San Jose Municipal Code Chapter 2.08.

Section 102. OFFICE. San Jose City Hall, 200 E. Santa Clara Street, San Jose, California, is designated as the office of the Commission.

Section 103. REGULAR MEETING PLACE. Except as the Commission may from time to time provide an alternate location, the regular meeting place of the Commission shall be in San Jose City Hall, 200 E. Santa Clara Street, San Jose, California in a room to be designated on the meeting agenda. If a meeting cannot be held at the regular meeting place of the Commission or other City property, meetings may be held at any place designated by the Chairperson.

Section 104. RECORDS. All books, records, papers, tapes and minutes of the Commission meetings shall be maintained in the Office of the City Clerk, San Jose City Hall, 200 E. Santa Clara Street.

Section 105. FORMER COMMISSION MEMBERS. Former Commission members shall be treated as members of the public. Emeritus members shall not be allowed.

**ARTICLE II
OFFICERS
CHAIR AND VICE CHAIR**

Section 200. ELECTION. The Chair and Vice-Chair of the Commission shall be elected by the Commission from its membership by signed ballot vote or by oral vote at a Commission meeting.

Section 201. TERMS OF OFFICE. The Chair and Vice-Chair shall be elected for terms of one (1) year commencing on the first meeting of the fiscal year and continuing until the last day of the fiscal year. Elections of the Chair and Vice-Chair shall be conducted at the first meeting of the Commission immediately following the expiration of the terms of office. The Chair and Vice-Chair shall serve at the pleasure of the Commission during the term of office and may be removed from office by the Commission at any time for any reason.

Section 202. VACANCIES IN OFFICE. If the office of the Chair or Vice-Chair shall become vacant before the expiration of his or her term of office upon the happening of any of the events set forth in sub-sections (A) and (B) of Section 2.08.050 of the City of San Jose Municipal Code, OR upon such officer's absence pursuant to Section 2.08.060, unless excused by the Rules and Open Government Committee, OR if the Chair or Vice-Chair should cease to be a member of the Commission, OR if for any other reason the office of the Chair or Vice-Chair should become vacant prior to the expiration of the term of office, the Commission shall elect a successor to the office of Chair or Vice-Chair for the unexpired portion of the term.

Section 203. CHAIR, POWERS AND DUTIES. The Chair shall have the following powers and duties:

- (a) The Chair shall preside at all meetings of the Commission.
- (b) The Chair shall conduct meetings in accordance with the San Jose Municipal Code, the approved Bylaws, Council Policy 0-4 (Consolidated Policy Governing Boards and Commissions), Council Policy 0-37 (Code of Conduct for Public Meetings in the Council Chambers and Committee Rooms), and Robert Rules of Order. It is the Responsibility of the Chair to make sure that matters before the Commission are dealt with in an orderly, efficient manner.
- (c) The Chair shall sign all written resolutions of the Commission and all minutes of all meetings of the Commission which are approved by the Commission.
- (d) The Chair shall perform all other duties which may be required by the City of San Jose Municipal Code, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Municipal Code and the ordinances of the City of San Jose.

Section 205. VICE CHAIR, POWERS AND DUTIES. The Vice-Chair shall have the following powers and duties:

- (a) In the event of and during the absence of the Chair, he or she shall preside as Chair at all meetings of the Commission and shall have and perform all other powers and duties of the Chair; and
- (b) He or she shall perform all duties which may be required of the Vice-Chair by the City Charter, by ordinance or Council Policy of the City of San Jose, or by resolution or order of the Commission consistent with Charter, ordinances and policies of the City of San Jose.

ARTICLE III
OFFICERS
CHAIR PRO TEMPORE

Section 300. In the event of vacancies in offices of the Chair and Vice-Chair, or in the event of the absence of the Chair and Vice-Chair, at the time of the meeting, the Commission may elect one of its

members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

ARTICLE IV
SECRETARY

Section 400. APPOINTMENT. The Secretary shall be the City staff person designated to serve as such by the City Administration.

Section 401. POWER AND DUTIES. The Secretary shall have the following powers and duties:

- (a) The Secretary shall attend all meetings of the Commission and shall record or keep minutes of all that transpires;
- (b) The Secretary shall attest all minutes of the meetings of the Commission;
- (c) The Secretary shall preserve, and be custodian of, all books, records, papers and tapes of the Commission. Whenever necessary, he or she shall certify true copies of Commission documents; and
- (d) The Secretary shall provide to the Commission agendas and agenda packets, and submit Commission letters, communications and recommendations to the Council.
- (e) The Secretary shall perform all duties required of him or her by these rules and regulations, Council Policy 0-4 (Consolidated Policy Governing Boards and Commissions), and/or required of him or her by resolution or order of the Commission consistent with the City of San Jose Municipal Code and ordinances of the City of San Jose.

ARTICLE V
MEETINGS

Section 500. GENERAL. Except as otherwise provided by this article, meetings of the Commission shall be open and public and shall comply with requirements of the Brown Act and the City Council's Consolidated Open Government and Ethics Resolution.

Section 501. REGULAR MEETINGS. Regular meetings of the Commission shall be on the second Wednesday of the month at a place designated in Section 103, in coordination with the City Administration. If the time scheduled for a regular meeting falls on a City Holiday, the regular meeting shall be rescheduled to a date agreed to by the Commission and the City Administration.

Section 502. SPECIAL MEETINGS. A special meeting may be called at any time by the Chair of the Commission, or by a majority of its membership, in accordance with the Brown Act and traditional rules of procedure as described in City Council's Consolidated Open Government and Ethics Resolution. The agenda shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered by the Commission at the special meeting.

Section 503. ADJOURNMENT – ADJOURNED MEETINGS. The Commission may adjourn any regular, adjourned regular, special, or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum, may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated time and place; and he/she shall cause a written notice of the adjournment to be given in the manner provided in Section 502 for special meetings. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where

the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Section 504. CONTINUANCE. A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Commission in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

ARTICLE VI

MEETING AGENDA AND PROCEDURE

Section 600. AGENDA. The Commission shall provide for an agenda. No discussion may be held of any item that is not on the agenda. The Secretary shall prepare and distribute the agenda for the Commission.

Section 601. QUORUM. The full Commission consists of 20 members. However, a Quorum shall be met with 50% of the filled 20-Commissioner seats to transact business. Less than a quorum may adjourn the meeting to another date and time.

Section 602. VOTING. No action shall be taken by the Commission except by affirmative vote of a simple majority of those voting, as long as there is a quorum present.

Section 603. MANNER AND RECORDATION OF VOTES. Voting by members of the Commission shall be verbal (“ayes” and “noes”) or by visual flags, and the result of each vote shall be entered by the Secretary in the record of the Commission proceedings. Upon the request of any Commission member, a roll call vote shall be taken on any matter upon which a vote is called, and each vote shall be recorded by the Secretary to the record of the Commission proceedings.

Section 604. ORDER OF BUSINESS. At regular meetings of the Commission, the order of business shall be conducted in accordance with the requirements of the Brown Act and the City Council’s Consolidated Open Government and Ethics Resolution. The order of business may be changed at any meeting by the Commission.

ARTICLE VII

FUNCTIONS, POWERS, AND DUTIES

Section 701. ELECTION OF COMMISSIONERS. Commissions are elected through a caucus process, described in the document entitled, “Neighborhood Commission Caucus Process,” located on the NC Webpage Library: #####

Section 702. SCOPE OF WORK. The Commission scope shall be limited to issues that impact city neighborhoods regarding transportation, code enforcement, public safety, or the budget.

At the beginning of each fiscal year, a Work Plan, consisting of standing (required) issues and neighborhood priorities, shall be decided through the Commission and submitted to the Rules Committee for approval. Standing items shall be announced by the Chair and/or Secretary at the first meeting of the year.

- (a) The Work Plan items can be worked by a standing subcommittee (standing items only), Ad Hoc, or by a single Commissioner Champion, but all must adhere to the Brown Act guidelines.
- (b) Each non-standing Work Plan item must have: 1) a Chair; 2) a brief description; 3) defined deliverable(s); 4) a sunrise date; and 5) a sunset date of no later than 6 months from the start date.
- (c) Ad Hoc meetings and subcommittee meetings can occur outside of Commission meetings, but must adhere to the Brown Act with the number of members less than the Commission quorum.
- (d) Updates to the Commission can be presented if forwarded to the Chair 17 days prior to the next Commission meeting to be added to the Agenda within the guidelines for transparency.
- (e) All deliverables from Ad Hoc and subcommittees are proposals only and must be formally approved by the full Commission as an agenda item.

Topics can be addressed by the Commission during the year that are not within the Work Plan if appropriate.

Section 703. COMMISSION COMMUNICATION. The Commission communicates proposals, solicitations for input, and Work Plan status through approved channels only:

- (a) Commission website
- (b) Commission flyers approved through the City Manager’s Office
- (c) Councilmember websites and newsletters
- (d) Interaction with the community through Neighborhood Association meetings or District Leadership Council Meetings.

All Commission documents are stored in the Commission website for public access.

ADOPTED this ____ day of _____, _____, byt the following vote:

Ayes:	Commissioners –
Noes:	Commissioners –
Absent/Abstain:	Commissioners –

Attest:

Neighborhood Commission Secretary –