
JOINT MEETING OF THE RULES AND OPEN GOVERNMENT COMMITTEE AND COMMITTEE OF THE WHOLE

COMMITTEE MEMBERS

SAM LICCARDO, CHAIR
MAGDALENA CARRASCO, VICE CHAIR
DEV DAVIS, MEMBER
CHAPPIE JONES, MEMBER
JOHNNY KHAMIS, MEMBER

STAFF MEMBERS

TONI J. TABER, CITY CLERK
DAVE SYKES, ASSISTANT CITY MANAGER
GLORIA SCHMANEK, CITY MANAGER'S OFFICE
RICHARD DOYLE, CITY ATTORNEY
CANDACE LE, MAYOR'S OFFICE
MYKEL JEFFREY, CITY CLERK'S OFFICE

AGENDA

2:00 P.M.

May 31, 2017

Wing 118-120

A. City Council (City Clerk)

1. Review [June 6, 2017](#) Final Agenda
 - a) [Add New Items](#) to Final Agenda
 - b) Assign "Time Certain" to Agenda Items (if needed)
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)
2. Review [June 12, 2017](#) Special Meeting Agenda
 - a) Add New Items to Special Meeting Agenda
 - b) Assign "Time Certain" to Agenda Items (if needed)
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)
3. Review [June 13, 2017](#) Draft Agenda
 - a) Add New Items to Draft Agenda
 - b) Assign "Time Certain" to Agenda Items (if needed)
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
2. Work Plans & Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

1. Consent Calendar
No Consent Calendar items.
2. [Shield Our City Ordinance](#). (Diep)
Agendize the proposed Shield Our City ordinance for the June 6, 2017 City Council meeting, so that the Council may direct staff to explore adoption of this ordinance. As proposed, the Shield Our City ordinance is intended to:
 - a) Codify San Jose's previously-expressed preference to not use city resources to pursue enforcement of federal immigration laws by directing the San Jose Police Department to not enter into a memorandum of understanding with the U.S. Immigration and Customs Enforcement Agency (ICE) under §287(g) of the U.S. Immigration and Nationality Act; and
 - b) Create an affirmative duty upon Immigration and Customs Enforcement (ICE) agents to seek permission from San Jose's City Attorney before conducting an enforcement action at any:
 - a. schools (including pre-schools, primary schools, secondary schools, postsecondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools);
 - b. hospitals;
 - c. courts;
 - d. institutions of worship (including but not limited to churches, synagogues, mosques, temples, or buildings rented for the purpose of religious services);
 - e. site of a funeral, wedding or graduation; and
 - f. public demonstration or gathering (such as a march, rally, or parade) within San Jose city limits.
 - c) Prior approval from the City Attorney shall not be required to conduct an enforcement action in the event of the following exigent circumstances:
 - a. the enforcement action involves a national security or terrorism matter;
 - b. there is an imminent risk of death, violence, or physical harm to any person or property;

- c. the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
 - d. there is an imminent risk of destruction of evidence material to an ongoing criminal case.
- d) However, even where there are exigent circumstances, this ordinance will create an affirmative duty on the part of ICE agents to notify the City Attorney as soon as reasonably possible that such an enforcement action is taking place or has occurred within the city of San Jose.
- e) Under this ordinance, an enforcement action of federal immigration law includes 1) arrests; 2) interviews; 3) searches; and 4) for the purposes of immigration enforcement only, surveillance.

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. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole
6. Smart Cities and Service Improvements Committee
 - a. [Update to the Smart Cities and Service Improvements Committee Workplan](#). (City Manager)
 - 1) Drop “*Demonstration Projects Update*” item from the June 1, 2017 agenda.
 - 2) Drop “*Information Technology Department – Policies Refresh*” from the June 1, 2017 agenda.

I. Open Government

1. Appeals of Public Records Act Request – None.

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 of 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 San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, 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 408-535-1260 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://sanjoseca.gov/index.aspx?nid=3581>

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, 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.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, 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 discussion 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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- 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.