

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

AGENDA

2:00 P.M.

September 13, 2017

Wing 118-120

A. City Council (City Clerk)

1. Review [September 19, 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 [September 26, 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

1. Release of Date for Study Session. (City Manager)
Recommend release of date held for a Study Session on Monday, September 18, 2017
from 1:30 p.m. to 4:30 p.m.

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

- a. [Approval of the Boys & Girls Club Grant Announcement sponsored by Council District 4 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Diep)
 - 1) Approve the Boys & Girls Club grant announcement event scheduled on September 21, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the September 19, 2017 City Council Agenda for action.
- b. [Approval of the Fall Festival sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Peralez)
 - 1) Approve the Fall Festival scheduled on September 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the September 19, 2017 City Council Agenda for action.
- c. [Approval of the 5th Annual July 4th Family Fun Festival and Firework Show sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Khamis)
 - 1) Approve the 5th Annual July 4th Family Fun Festival and Firework Show scheduled on Wednesday, July 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the September 19, 2017 City Council Agenda for action.

Consent Calendar Continued

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

1. Consent Calendar (Cont'd.)
 - d. [Approval of Shred-A-Thon and E-Waste Collection Day sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Jones)
 - 1) Retroactively approve the Shred-A-Thon and E-Waste Collection Day scheduled on Saturday, September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the September 19, 2017 City Council Agenda for action.
 - e. [Approval of the Mexican Flag Raising sponsored by Council Districts 2, 3, 5, 8 and 9 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Carrasco/Peralez/Jimenez/Arenas/Rocha)
 - 1) Approve the Mexican Flag Raising scheduled on September 15, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the September 19, 2017 City Council Agenda for action.

END OF CONSENT CALENDAR

2. [Approval of District 9 Grant for District 9 Schools.](#) (Rocha)

Approve a request to agendaize for City Council deliberation on September 19, 2017 to approve a grant for \$5,000 to Cambrian School District to support the student health and wellness programs at all six schools in the Cambrian district. To be paid by Council District 9 funds.
3. [Monthly Report of Activities for August 2017.](#) (City Auditor)
 - a. Approve the City Auditor's Office Monthly Report of Activities for the month of August 2017.
 - b. Add "Audit of Retirement Services" to the Public Safety, Finance and Strategic Support Committee October 19, 2017 agenda.
4. [Resolution Condemning the Rescission of DACA.](#) (Jimenez/Peralez)

Approve a request to agendaize for City Council deliberation on September 19, 2017 to:

 - a. Adopt a resolution condemning President Donald Trump's rescission of the Deferred Action for Childhood Arrivals Program (DACA).
 - b. Direct the City Attorney's Office to support the State of California in any and all legal actions against the Trump administration for its abrupt termination of the DACA program.

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

5. [Opportunity to Work](#). (Rocha)

Approve a request to agendaize for City Council deliberation on September 19, 2017:

- a. That staff be directed to analyze the administrative and budget implications of implementing the Opportunity to Work rules within the City organization and return to City Council with the results of their analysis and an implementation plan for Council consideration.
- b. That the City Attorney be directed to provide an explanation of why the Opportunity to Work ordinance does not apply to the City of San José, along with an explanation whether it applies to other public agencies within San José.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

- a. [Update to the Community and Economic Development Workplan for August-December 2017](#). (Economic Development)

Approve an amendment to the August – December 2017 Community and Economic Development Committee Workplan to add “*Approve the Arts Commission FY 2016-2017 Annual Report and Workplan for FY 2017-2018*” to the September 25, 2017 Committee meeting.

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

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.