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

SAM LICCARDO, CHAIR
ROSE HERRERA, VICE CHAIR
CHAPPIE JONES, MEMBER
JOHNNY KHAMIS, MEMBER
MAGDALENA CARRASCO, MEMBER

STAFF TONI J. TABER, CITY CLERK
NORBERTO DUENAS, INTERIM CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
MARGARET LE, MAYOR'S OFFICE

AGENDA

2:00 P.M.

February 25, 2015

Wing 118-120

- A. City Council (City Clerk)**
1. Review March 3, 2015 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 March 10, 2015 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. [Set a Joint City Council – Santa Clara Valley Water District Study Session for Monday, April 27, 2015 from 9:00 a.m. to 12:00 p.m., in Council Wing Rooms 118-120 located at 200 East Santa Clara Street, San José, CA 95113.](#) (Environmental Services)
- E. [The Public Record](#)**
- F. Boards, Commissions and Committees**
1. Appointments – None.
 2. Work Plans – None.
 3. Annual Reports – None.

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 Irish Flag Raising Sponsored by the Mayor's Office as a City-Sponsored Special Event, to expend City funds, and Accept Donations of Materials and Services for the Event.](#) (Mayor)
 1. Approve the Irish Flag Raising 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; and
 3. Place the item on the March 3, 2015 Council Agenda for action
 - b. [Approval of the Celebrate Cambrian Festival Sponsored by Council District 9 as a City-Sponsored Special Event, to expend City funds, and Accept Donations of Materials and Services for the Event.](#) (Rocha)
 1. Approve the Celebrate Cambrian Festival scheduled on August 23, 2015 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; and
 3. Place the item on the March 10, 2015 Council Agenda for action
2. [Amicus Brief in Support of Executive Action.](#) (Mayor/Peralez)

Direct the City Attorney to join the efforts of the National League of Cities and the U.S. Conference of Mayors in filing an amicus brief in the appeal of the *Texas vs. United States* lawsuit, to support President Obama's recent executive action on immigration.
3. [Requirement to Fund the Full Normal Cost.](#) (Rocha)
 - a. That the Rules Committee agendaize for Council consideration Mayor Liccardo's memo for item G2 on the February 4th Rules Committee meeting, in advance of sending the proposals contained in that memo to the Retirement Boards for comment. (This is the memo pertaining to fully funding the pension system normal cost. It was agendaized as item 3.5 for the council meeting of February 24th, but the Rules Committee removed it from that agenda. This recommendation is simply to add it back on a future agenda before sending the Mayor's proposal to the Retirement Boards.)
 - b. When the Mayor's proposal comes forward to Council, direct staff to provide the following additional analysis:
 1. Does the Municipal Code currently contain provisions with respect to how the normal cost is funded? If so, what do those provisions say?
 2. Has there been past discussion of this issue at the Retirement Boards or at the Council?

G. Rules Committee Reviews, Recommendations and Approvals

Requirement to Fund the Full Normal Cost. (Cont'd.)

3. If a requirement to fund the full normal cost is put in place, would it be advisable to establish a funded threshold above which the Boards and the City would have discretion, similar to the threshold of 120 percent established in section 7522.52(b)(1) of the California Government Code? (Relevant code section is attached.)
4. Section 7522.52(b)(2) of the California Government Code implies a relationship between the funded status of retirement plans and their tax exempt status under the federal Internal Revenue Code. Is this an issue that we should consider in connection with the Mayor's proposal?

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 – 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 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://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, Successor Agency to the Redevelopment Agency Board (SARA), 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, Successor Agency to the Redevelopment Agency Board (SARA), 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.