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

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

**STAFF TONI J. TABER, CITY CLERK
NORBERTO DUENAS, INTERIM CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
AHMAD CHAPMAN, MAYOR'S OFFICE**

AGENDA

2:00 P.M.

January 14, 2015

Wing 118-120

- A. City Council (City Clerk)**
1. Review January 20, 2015 Final Agenda
None – Meeting Cancelled
 2. Review January 27, 2015 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)**
- C. Legislative Update**
1. State
 2. Federal
- D. Meeting Schedules**
1. [Set a Council Study Session entitled *General Fund Structural Budget Deficit History and Service Preservation/Restoration Priorities and Strategies* for Tuesday, January 20, 2015 from 1:30 p.m. – 4:30 p.m., in City Council Chambers. \(City Manager\)](#)
To be distributed separately
- 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**
1. Workload Assessment for Council Requests and Referrals.

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

2. [Proposed State Legislation to Amend the Vehicle Code](#). (City Attorney's Office)
Recommend that Council direct the City Administration to seek a sponsor for state legislation to allow local regulation of certain pedestrian right of ways, such as staircases, under the California Vehicle Code.

3. [African American History Month Flag Raising Special Event](#). (Kalra)
 - a. Approve the African American History Month Flag Raising on February 6, 2015 as a City Council sponsored Special Event and approve the expenditure of funds;
 - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
 - c. Place the item on the January 27, 2015 Council Agenda for action.

4. [Measure B Negotiations Study Session](#). (Rocha)
As referred by Rules and Open Government Committee on January 7, 2015, consider agendizing a study session on the topic of Measure B, and the attendant legal and implementations issues, for the purpose of helping new colleagues learn about the intricacies of pension reform, as well as help the entire Council take stock of the current situation.

5. [Waiver of Closed Session Privilege](#). (Rocha)
 - a. Agendize Council consideration of a waiver of closed session privilege for Item A on the closed session agenda for December 16, 2014, concerning the evaluation of City Manager Ed Shikada. The discussion could happen in open or closed session.
 - b. Request that the City Attorney advise the Council as to whether any other legal restrictions besides closed session privilege may limit disclosure of any portion of the particular closed session discussion at question.

6. [Review of Recent Incidents within the City Manager's Office](#). (Rocha)
Direct the City Manager, with the assistance of the City Attorney and City Auditor, as necessary, to bring forward options for furnishing the Council with a review of the management of the City Manager's Office, focusing on any problems that may recently have arisen with that office, for the purpose of determining whether any actions need to be taken, either within the authority of the City Council or the City Manager, to ensure that such problems do not arise again. The review should be consistent with all applicable law, and would preferably be completed prior to the hiring of a new 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 – 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.