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## 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, CITY MANAGER**  
**RICHARD DOYLE, CITY ATTORNEY**  
**MARGARET LE, MAYOR'S OFFICE**

### AGENDA

2:00 P.M.

September 9, 2015

Wing 118-120

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- A. City Council (City Clerk)**
1. Review September 15, 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 September 22, 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
- [Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Summer 2015.](#) (City Manager)  
Accept the report from the City's federal advocacy firm of Squire Patton Boggs, LLP, in Washington DC.
- D. Meeting Schedules**
- E. [The Public Record](#)**
- F. Boards, Commissions and Committees**
1. Appointments
  2. Work Plans & Annual Reports
- [Arts Commission FY 2014-2015 Annual Report and FY 2015-2016 Workplan.](#)  
(Economic Development)  
Approve the Arts Commission FY 2014-2015 Annual Report and FY 2015-2016 Workplan.

## 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 POW/MIA Flag Raising Ceremony sponsored by District 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Herrera)
  1. Approve the POW/MIA Flag Raising Ceremony scheduled on September 18, 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 September 22, 2015 Council Agenda for action
- b. [Approval of the Vietnamese American Resolution Reception sponsored by District 4 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (M. Nguyen)
  1. Approve the Vietnamese American Resolution Reception scheduled on October 20, 2015 as a City Council sponsored 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 September 22, 2015 Council Agenda for action

### END OF CONSENT CALENDAR

2. [Dinner with Consul General of Korea Event.](#) (Jones)
  - a. Approve the receipt of gifts received in official capacity in accordance with Municipal Code section 12.08.040.
  - b. Place the item on the September 22, 2015 Council Agenda for action
3. [Office of City Clerk Audit and Review.](#) (Mayor)
  - a. Direct the City Auditor to add to her workplan for the FY15-16 year a performance audit of the City Clerk's office. Include within that audit specific inquiry into:
    - 1) An audit of the Office of the City Clerk's performance of its primary statutory responsibilities;
    - 2) Assessment of the causes for the City Clerk's failure to provide reliable, accurate information to candidates concerning election-related laws;
    - 3) Assessment of the causes of the City Clerk's inability to provide reliable, accurate information to city Council staffs regarding Council office budgets.
  - b. Direct the City Attorney to return within one week with an assessment of the advisability of his office assuming exclusive and complete responsibility for the following items:
    - 1) Drafting and issuing all written guidance for candidates for office regarding legal compliance with relevant municipal, Fair Political Practices Commission, state, or other regulations relating to elections;

- 2) Responding to all questions from candidates and councilmembers relating to election rules, including compliance, filing deadlines, reporting of contributions, and the like;
  - 3) Any other inquiries relating to the Code of Ethics, including but not limited to rules regulating gifts, honoraria, and lobbying.
  - c. Direct the City Manager to return within two weeks with an assessment of the advisability of the Budget Office assuming exclusive and complete responsibility for maintaining, tracking, and reporting of records of budgetary expenditures and revenues for each Council office. The City Manager, through the Budget Office's submission of a mid-year proposed budget, should recommend adjustments in budgetary allocations appropriate for this shift of responsibilities.
4. Gender/Ethnicity Pay Equity
- a. [Recommendation from the Mayor, Councilmember Donald Rocha, Councilmember Magdalena Carrasco, and Councilmember Ash Kalra](#)
    - 1) Direct the City Manager and City Attorney to bring forward options for assessing and promoting gender and ethnicity equity in the City's employment decisions, including decisions about recruitment, hiring and pay. Staff should be free to recommend any approaches to this issue they believe may be valuable; we would like to suggest that they evaluate the following ideas in addition to any others they may wish to bring forward:
      - a) A gender pay equity ordinance with applicability to City employees and/or City contractors.
      - b) Assessment of current hiring and promotion practices with the goal of achieving gender and ethnicity pay equity.
      - c) Ways to promote gender-equitable representation in recruitment of qualified candidates in executive and senior level positions.
  - b. [Recommendation from Vice Mayor Rose Herrera](#)
    - 1) Direct staff to research and prepare a Gender Pay Equity ordinance with applicability to city contracts and city employees that is modeled after the expanded definition of equal pay as stated in SB 385 by Senator Hannah-Beth Jackson; and
    - 2) Add to one of our Key Legislative Items - support for AB 1017 (Campos) Gender Pay Equity.

**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

**I. Open Government**

1. Appeals of Public Records Act Request

**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](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 Jose City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14<sup>th</sup> 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, 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.