

RULES AND OPEN GOVERNMENT COMMITTEE

CHUCK REED, CHAIR
MADISON P. NGUYEN, VICE CHAIR
PIERLUIGI OLIVERIO, MEMBER
PETE CONSTANT, MEMBER
ROSE HERRERA, ALTERNATE

STAFF TONI J. TABER, CITY CLERK
ED SHIKADA, CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
AHMAD CHAPMAN, MAYOR'S OFFICE

AGENDA

2:00 P.M.

August 6, 2014

Wing 118-120

- A. City Council (City Clerk)**
1. Review August 12, 2014 Final Agenda
 - a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)
 2. Review August 19, 2014 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**
- E. The Public Record**
- F. Boards, Commissions and Committees**
1. Appointments
 - a. [Historic Landmarks Commission Nominations](#). (City Clerk)
 1. Approve appointments to the Historic Landmarks Commission:
 - a. Appoint Jesus Gomez to an unexpired term ending June 30, 2015;
 - b. Appoint Josh Marcotte to a term ending June 30, 2018;
 - c. Appoint Patricia Jones to a term ending June 30, 2018;
 - d. Appoint Steve Roldan to a term ending June 30, 2018; and
 2. Place on the August 12, 2014 City Council Agenda for action.
 2. Work Plans – None.
 3. Annual Reports – None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. [Open Government Legislation](#) (City Clerk, City Manager, City Attorney)
[Info Memo, Draft Ordinances and Resolutions](#)
Review and direction to staff regarding:
 - a. The draft ordinance renaming Title 12 of the San Jose Municipal Code and adding a new Chapter 12.21 to codify Open Government provisions (also known as “sunshine reforms”);
 - b. The draft resolution repealing the following City Council policies and resolutions, and consolidating these provisions into “the Consolidated Open Government and Ethics Resolution”:

City Council Policy 0-32	Disclosure and Sharing of Material Facts and Communications Received During Council Meetings
City Council Policy 0-33	Public Records Policy and Protocol
City Council Policy 0-34	City Council Declaration of Conflict of Interest Policy
City Council Policy 0-35	Procurement and Contract Process Integrity and Conflict of Interest
Resolution No. 75091	Approving Sunshine Reform Task Force Phase II Recommendations (with some exceptions) as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis
Resolution No. 75140	Approving Certain Sunshine Reform Task Force Phase II Recommendations, as amended by the Rules and Open Government Committee and Directing Implementation on a Pilot Basis
Resolution No. 75292	Approving Certain Sunshine Reform Task Force Phase I and Phase II Recommendations and Directing Implementation on a Pilot Basis
Resolution No. 75978	Amending the Open Government Requirements as it Relates to Videotaping Certain Council Meetings; and
 - c. The draft resolution amending the Council’s Rules of Conduct resolution to delete Rule 1.5, Closed Session Meetings, and Rule 6.5, Additional Rules of Procedure, which have been incorporated into the Consolidated Open Government and Ethics Resolution, making conforming and clarifying changes, and superseding Resolution No. 76475, the current Council Rules Resolution, dated October 23, 2012.
 - d. Adopt a resolution amending the FY 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish that there will be no charge for a response to a Public Records Act request in which the total duplication charges are less than \$5.
3. [AB 2126 \(Bonta\) Meyers-Milias-Brown Act: Mediation](#). (City Manager)
 - a. Adopt a position in opposition to AB 2126 (Bonta).
 - b. Recommend a one-week turnaround to the City Council on August 12, 2014 so that the City’s legislative staff can advocate the City’s opposition to AB 2126 (Bonta).

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

4. [2014 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting.](#) (City Manager)
 - a. Approve the proposed designation of Councilmember Rose Herrera as the voting delegate, and Councilmember Pete Constant as the alternate voting delegate at the September 5, 2014, Annual Business Meeting for the League of California Cities (LOCC).
 - b. A one-week turnaround to the City Council on August 12, 2014 is requested so that the full Council may act on this request for these designations to be submitted to the LOCC by their August 15 deadline.
5. [Approval of the Park-Wilshire Improvement Association Neighborhood Block Party](#) sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.. (Rocha)
 - a. Approve the Park-Wilshire Improvement Association Neighborhood Block Party as a City Council sponsored Special Event and approve the expenditure of City Funds.
 - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
 - c. Place the item on the August 12, 2014 Council Agenda for action.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
 - a. [Approve the Neighborhood Services and Education Committee workplan for the period of August through December 2014](#) and set its meeting schedule on the second Thursday of each month at 1:30 p.m. in Rooms W118-119. (Mayor/Liccardo)
3. Transportation and Environment Committee
 - a. [Approve the Transportation and Environment Committee workplan for the period of August through December 2014](#) and set its meeting schedule on the first Monday of each month at 1:30 p.m. in Rooms W118-119. (Mayor/Liccardo)
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

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

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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.