
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, ACTING CITY CLERK**
DEBRA FIGONE, CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
RICHARD HONG, MAYOR'S OFFICE

AGENDA

2:00 P.M.

August 7, 2013

Wing 118-120

A. City Council (City Clerk)

1. Review August 13, 2013 Final Agenda
 - a. Add New Items to Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)
2. Review August 20, 2013 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. [Appoint Anthony Phan to the Library and Early Education Commission to a term ending June 30, 2017; and placing the item on the August 13, 2013 Agenda for action.](#) (City Clerk)

F. Boards, Commissions and Committees (Cont.)

2. Work Plans
 - a. [Approve of the Ethics Commission Fiscal Year 2013-2014 Work Plan and the Elections Commission Fiscal Year 2012-2013 Annual Report.](#) (City Clerk)
 - b. [Approve of the City Auditor's Fiscal Year 2013-2014 Work Plan.](#) (City Auditor)
 - c. [Approve the Airport Commission Work Plan for Fiscal Year 2013-2014 recommended by staff; and the Annual Report for Fiscal Year 2012-2013 Commission Work Plan.](#) (Airport)
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. [Shakespeare in the Park:](#)
Approve Shakespeare in the Park as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the August 13, 2013 Agenda for action. (Oliverio)
3. [SEMANA Jalisco "Jalisco Magico" Events:](#)
Approve Semana Jalisco 2013 "Jalisco Magico" events as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the August 13, 2013 Agenda for action. (Campos)
4. [Immigration Fraud Awareness:](#)
Approve the District 5 Immigration Fraud Awareness Event as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the August 13, 2013 Agenda for action. (Campos)
5. [Approval of District 3 HP Grant to College of Adaptive Arts, forwarding a recommendation to the City Council to approve a grant of \\$250.00 to the College of Adaptive Arts, an IRS-recognized 501 \(c\)3 public charity to be paid from the budgeted District 3 HP Fund, which is funded by the Arena Community Fund City-Wide appropriation.](#) (Liccardo)
6. [Public Calendars: Accept the report on posting of public calendars by City Officials on the City's web site.](#) (City Manager)

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

7. [2013 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting:](#)
Approve the proposed designation of Councilmember Rose Herrera as the voting delegate, and Councilmember Pete Constant, as the alternate voting delegate at the September 20, Annual Business Meeting for the League of California Cities (LOCC), and placing the item on the [August 13, 2013 Agenda](#) for action. (City Manager)
8. [“The Chess Clock” And “Open Data” Initiative: Improving City Hall’s Accountability and Efficiency:](#) Evaluate and return to the Community and Economic Development Committee (CED) with a recommendation to:
 - a. Issue a Request for Proposals (RFP) for consulting services to fully implement “Chess Clock” software to make our development services process more transparent and accountable, and
 - b. Enable the “Chess Clock” data to be released, with appropriate privacy protections, on an “open data” platform, to which the public and business community would have access, and
 - c. Explore, in consultation with community partners, such as Code for America, Hackers & Founders – San Jose, SVG Partners, and others, whether a City-hosted “hack-a-thon” could incentivize the creation of software applications that could provide customers with the “real-time” status of their permits and planning applications, or otherwise improve the relevant City processes. (Liccardo/Khamis)
9. [Rules and Open Government referrals to the Elections Commission:](#)
The Elections Commission recommends no change to Title 12 related to referrals regarding: (1) campaign contribution limits and voluntary expenditure limits; (2) electioneering communication disclosures; and (3) elections and recounts. (City Clerk)
[Deferred from Rules on 6/5/13]
10. [Ethics Commission Title 12 revisions and revisions to Administrative procedures:](#)
Provide feedback and direction to Title 12 and to certain Administrative procedures. (City Clerk)
11. [Second Tier for Fire Union:](#)
Request City Manager to freeze hiring of new firefighters until the Firefighter Union accepts second tier pension plan for new employees. (Oliverio)
12. [Adult Entertainment Regulations:](#)
Direct the City Manager and City Staff to explore and bring to Council any of the following regulations relating to adult-themed “bikini bars”, “cabaret clubs” or “gentlemen’s clubs,” that appear enforceable within the bounds of the First Amendment of the U.S. Constitution and Proposition 218, that can be tailored to address “secondary effects” of the operations of such clubs, including but not limited to: (See Memorandum for full text). (Liccardo)

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

13. [Use of First Class Mail to Deliver Notices Required by the Mobile home Rent Ordinance:](#)

It is recommended that the Rules and Open Government Committee accept this report regarding the use of first class mail by the Housing Department's Rental Rights and Referrals Program ("RRRP") to deliver notices required pursuant to the City's Mobile home Rent Ordinance, Chapter 17.22 of the San José Municipal Code. (Housing)

14. [Mayor's 2013 Biennial Ethics Review and Recommendations:](#)

That the Rules and Open Government Committee agendize the following for the August 13, 2013 City Council Meeting: (Mayor)

- a. Direct the City Attorney to work with the City Clerk and City Manager to draft an Ordinance that codifies Open Government policies and practices previously adopted in pilot form to ensure ethical and open government. These policies include the Reed Reforms, Sunshine Reforms, and Procurement Reform. (See memorandum for full text).

15. [Accept the Audit of Consultant Agreements and agendize for full council discussion on August 20, 2013.](#) (Public Safety, Finance and Strategic Support Committee)

16. [Accept the Audit of Regional Wastewater Facility Master Agreements and agendize for full council discussion on August 27, 2013.](#) (Public Safety, Finance and Strategic Support Committee)

17. [Consultant Agreements:](#)

- a. Direct the City Manager to initiate a thorough investigation of consultant agreements and provide a timeline for the implementation of changes. (Chu)
- b. Direct the City Manager to consider the following as the administration works on updating current policies and procedures:
 - City Manager's Office to oversee all consultant agreements and oversight
 - Place limits on contract length
 - Enforcing consequences for failure to follow the procurement process
- c. Report findings to the City Council.

18. [CPUC Decision Regarding Ridesharing:](#)

Agendize City Council discussion and potential action on the California Public Utilities Commission (CPUC) recommendation regarding ridesharing for the August 13th Council Meeting.

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
 - a. [Approve the Transportation and Environment Committee Workplan for the period August through December 2013 and setting its meeting schedule on the first Monday of each month \(except as noted for special meetings\) at 1:30 p.m. in Rooms W118-119.](#) (Mayor/Liccardo)

4. Public Safety, Finance and Strategic Support Committee
 - a. [Approve the Public Safety, Finance and Strategic Support Committee Workplan for the period August through December 2013 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers, or as noticed.](#)
(Mayor/Constant)

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 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://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/Rules.asp>

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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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.