

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 18, 2015

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:05 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Vice Mayor Rose Herrera, Councilmember Johnny Khamis, and Councilmember Chappie Jones.

ABSENT: Mayor Sam Liccardo, and Councilmember Magdalena Carrasco.

STAFF: City Attorney Richard Doyle, City Clerk Toni J. Taber, Interim Assistant City Manager Dave Sykes, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Anh Tran.

CITY COUNCIL (CITY CLERK)

- (1) **Review March 24, 2015 Final 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)

Public Comment:

- David Wall offered comments on Items 3.4, 4.2, 6.2, 7.1, and 7.2.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waiver for Item 3.3, and addition of Items 1.x, "Presentation of a commendation for SK Panda..." and 1.x, "Presentation of a commendation to Gurdeep Kaur Chawla..." (3-0-2. Absent: Liccardo, Carrasco)

- (2) **Review March 31, 2015 Draft Agenda**
None – Meeting Cancelled

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

- (1) Review March 23, 2015 Special Meeting Agenda

Documents Filed: Agenda for March 23, 2015 Evening Special Meeting

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda. (3-0-2. Absent: Liccardo, Carrasco)

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal

Director of Intergovernmental Relations Betsy Shotwell provided a verbal update on the status of Federal Legislation.

MEETING SCHEDULE

None.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of March 6 – March 12, 2015.

Public Comment:

- David Wall voiced concerns regarding Items (4) and (6).

Action: Upon motion by Councilmember Jones, seconded by Councilmember Khamis and carried unanimously, the public record was noted and filed. (3-0-2. Absent: Liccardo, Carrasco)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Consent Calendar

Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (3-0-2. Absent: Liccardo, Carrasco)

- (a) Approval of 10th Annual West Valley Senior Walk Sponsored by Council Districts 1 & 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Jones)
1. Approve the 10th Annual West Valley Senior Walk 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 24, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Chappie Jones to the Rules and Open Government Committee, dated March 6, 2015, entitled, "Approval of 10th Annual West Valley Senior Walk Sponsored by Council Districts 1 & 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event."

Action: The item was placed on the March 24, 2015 City Council Agenda for final action. (3-0-2. Absent: Liccardo, Carrasco)

- (b) Approval of Community Events Sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events. (Nguyen)
1. Retroactively approve the Tully Community Branch Library 10th Anniversary Celebration on January 13, 2015 and the District 7 Clean Up at Yerba Buena High School on February 21, 2015 as City Council sponsored Special Events and approve the expenditure of funds.
 2. Approve the District 7 Photography Contest, District 7 Town Hall Meeting on March 19, 2015; District 7 Clean Up at Tully Ballfields on March 28, 2015; 40th Annual Black April Commemoration on April 30, 2015; Asian Pacific American Heritage Month Celebration on May 9, 2015; and 2nd Annual Eastside Narratives Youth Leadership Summit on Saturday, March 28, 2015 as City Council sponsored Special Events and approve the expenditure of funds.
 3. Approve and accept donations from various individuals, businesses or community groups to support the event; and
 4. Place the item on the March 24, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Tam Nguyen to the Rules and Open Government Committee, dated March 6, 2015, entitled, "Approval of Community Events Sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events."

Action: The item was placed on the March 24, 2015 City Council Agenda for final action. (3-0-2. Absent: Liccardo, Carrasco)

END OF CONSENT CALENDAR

(2) City Auditor Monthly Report of Activities for February 2015. (City Auditor)

Approve the City Auditor's Office Monthly Report of Activities for the Month of February 2015.

Documents Filed: Memorandum from City Auditor Sharon Erickson to the Rules and Open Government Committee, dated March 9, 2015, entitled, "Monthly Report of Activities for February 2015."

City Auditor Sharon Erickson provided comments and was available to answer questions from the Committee.

Public Comment:

- David Wall thanked the City Auditor and offered comments related to various audits.

Action: Upon motion by Jones, seconded by Khamis and carried, the recommendation was approved. (3-0-2. Absent: Liccardo, Carrasco)

(3) Boards and Commissions Structural Improvements Project Update. (City Clerk)

- (a) Provide direction on proposed improvements to the City's Boards and Commissions program including:
1. Revise Housing and Community Development Commission structure
 2. Revise appointment process by eliminating the Council Appointment Advisory Committee and delegate its duties to the Council liaison
- (b) Direct the City Clerk and City Attorney to return to the Council with actions to revise the appropriate policies and municipal code sections.

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated February 24, 2015, entitled, "Boards and Commissions Structural Improvements Project Update"; (2) Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee, dated March 12, 2015, entitled, "Boards and Commission – Conflict of Interest Review Process"; (3) Memorandum from Interim Director of Housing Jacky Morales-Ferrand to the Rules and Open Government Committee, dated March 2, 2015, entitled, "Boards and Commissions Structural Improvements Project Update"; (4) Memorandum from Councilmember Raul Peralez to the Rules and Open Government Committee, dated March 4, 2015, entitled, "Actions Regarding Boards and Commissions"; (5) Memorandum from Councilmember Donald Rocha to the Rules and Open Government Committee, dated March 4, 2015, entitled, "Boards and Commission"; (6) Presentation from City Clerk Toni J. Taber entitled, "Boards & Commissions."

City Clerk Toni J. Taber presented on the background of the Boards and Commissions Structural Improvements.

Public Comment:

- David Wall thanked the Clerk and offered comments on various Board and Commission issues.
- Marie Hayter spoke on subcommittees and emeritus members.
- Joyce Rouborn questioned what the Council feels the scope of the Senior Commission should be.
- Martha O'Connell spoke on the process of nominations for emeritus members on the Senior Commission.
- Nancy Williamson voiced concerns regarding emeritus commissioners and asked for the City Attorney to provide clarification on the process
- Gail Osmer voiced concerns regarding emeritus members on the Senior Commission

City Attorney Richard Doyle answered questions from the Committee.

Committee Discussion ensued.

Interim City Manager Dave Sykes and Director of Human Resources Joe Angelo provided background on a proposed City award review committee and answered questions from the Committee.

Councilmember Khamis expressed support for removing the Suggestion Award Committee.

Motion: Councilmember Khamis moved to forward the recommendation to the City Council with Recommendation B.2b for the Housing and Community Development Commission plus direction from the Memorandum from the Housing Department:

Maintain the 13 member HCDC. Allow each Councilmember to nominate one member per district as is current policy, include the mobilehome resident representative and mobilehome landlord (owner) as currently nominated. Send all nominations to the Council Liaison for review who will ensure there is an appropriate composition of HCDC members (including the appropriate number of low- income members and members with varied experience as listed in the Municipal Code). The Council Liaison then transmits the final nominations to City Council through the City Clerk for appointment.

In addition, Councilmember Khamis moved memorandums from Councilmembers Rocha and Peralez to be submitted for consideration with the recommendation. Councilmember Jones seconded the recommendation.

Councilmember Jones voiced his inability to support the emeritus program noting it defeats the purpose of term limits on commissions or the elimination of the Council Appointment Advisory Commission. He noted his support of Councilmember Khamis' motion, Councilmember Rocha's memorandum, and Councilmember Peralez's memorandum and emphasized the need to try to identify and create more diversity.

Action: Upon a call for the motion, it carried unanimously, the item was forwarded on to the City Council in April 2015. (3-0-2. Absent: Liccardo, Carrasco)

(4) Vision Zero. (Oliverio)

Agendize the Vision Zero Initiative for City Council consideration.

Documents Filed: Memorandum from Councilmember Oliverio to the Rules and Open Government Committee, dated March 12, 2015, entitled, "Vision Zero."

Director of Transportation Hans Larsen and Councilmember Oliverio offered comments and were available to answer questions from the Committee.

Public Comment:

- David Wall voiced concerns related to pedestrian safety.
- Colin Heyne, Silicon Valley Bicycle Coalition, expressed support and suggested creating a task force to support the initiative.
- Jaime Fearer, California Walks voiced support for the recommendation.
- Blair Beekman offered comments.

Vice Mayor Herrera voiced the need to have the item go to staff for feedback.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the item was referred to come back with the previously scheduled "Annual Transportation Safety Report" on the Transportation and Environment Committee agenda for May 4, 2015. (3-0-2. Absent: Liccardo, Carrasco)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT

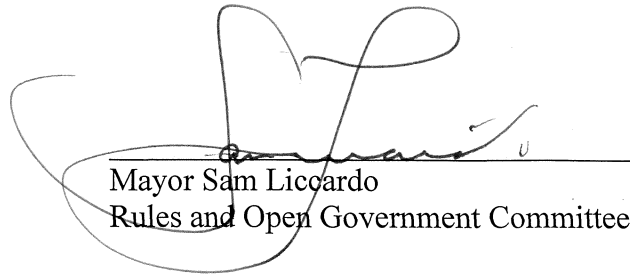
- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

- David Wall voiced concerns related to the cost of Athens Administrators
- Blair Beekman spoke on Police use of unmanned drones.
- Martha O'Connell spoke regarding on recent actions by the Housing and Community Development Commission and expressed a need to have adequate representation on the commission.

ADJOURNMENT

The meeting adjourned at 3:50 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:slg