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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, APRIL 15, 2015**

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

**PRESENT:** Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Chappie Jones, Councilmember Johnny Khamis, and Councilmember Magdalena Carrasco.

**ABSENT:** None.

**STAFF:** City Attorney Richard Doyle, City Clerk Toni J. Taber, Interim Deputy City Manager Julie Edmonds-Mares, Mayor's Agenda Assistant Margaret Le, Agenda Services Staff Technician Rachelle Blattman, Assistant City Clerk Tom Graves, and Deputy City Clerk Anh Tran.

**CITY COUNCIL (CITY CLERK)**

**(1) Review April 21, 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)

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Add Sheet, Closed Session start time of 9:00 a.m., new language for Item 2.7, not before 4:00 p.m. for Item 3.4, Sunshine Waiver for Items 7.4 and 7.5. (5-0.)

**(2) Review April 28, 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)

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Item 3.3 to be heard following Consent. (5-0.)

## REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

- (1) Review the April 27, 2015 Final Agenda for the Joint City Council – Santa Clara Valley Water District Study Session.

Documents Filed: April 27, 2015 Final Agenda for the Joint City Council – Santa Clara Valley Water District Study Session.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the Committee approved the agenda. (5-0)

## LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

## MEETING SCHEDULE

None.

## THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of April 3 – April 9, 2015; Letter from President & CEO Matthew R. Mahood to the Mayor, dated April 14, 2015, regarding, “Wage Theft Memo (Support).”

### Public Comment:

- Lee Ellak raised concerns regarding Item 2.
- Davlyn Jones raised concerns regarding Item 2.
- Martha O’Connell raised concerns regarding Item 2.

City Clerk Toni Taber and Acting Division Manager of the Housing Department Wayne Chen provided comments and were available to answer questions from the Committee. Vice Mayor Herrera requested for staff to follow-up on Item 2.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the public record was noted and filed. (5-0.)

## BOARDS, COMMISSIONS AND COMMITTEES

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

**RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS**

**(1) Consent Calendar**

No Items on the Consent Calendar.

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

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

Documents Filed: Memorandum from City Auditor Sharon Erickson to the Rules and Open Government Committee, dated April 7, 2015, entitled, "Monthly Report of Activities for March 2015."

City Auditor Sharon Erickson and Program Performance Auditor Ani Antanesyan provided comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried, the recommendation was approved. (5-0)

**(3) AB 1335 (Atkins; Principle Co-Authors: Chau, Chiu and Gordon) Building Homes and Jobs Act. (Housing)**

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, support AB 1335 (Atkins) Building Homes and Jobs Act.
- b. Recommend a one-week turnaround to the City Council on April 21, 2015 so that the City's Legislative Advocate in Sacramento can indicate a support position for AB 1335 (Atkins).

Documents Filed: Memorandum from Interim Director of Housing Jacky Morales-Ferrand to the Rules and Open Government Committee, dated April 9, 2015, entitled, "AB 1335 (Atkins; Principle Co-Authors: Chau, Chiu and Gordon) Building Homes and Jobs Act."

Director of Intergovernmental Relations Betsy Shotwell and Acting Division Manager of the Housing Department Wayne Chen provided comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the item was forwarded to City Council for final action on April 21, 2015. (5-0)

**(4) Independent Police Auditor Recruitment. (Mayor)**

Approve the timeline and initiate the process to recruit an Independent Police Auditor for the City of San Jose.

Documents Filed: Memorandum from Mayor Liccardo to the City Council, dated April 9, 2015, entitled, "Independent Police Auditor Recruitment."

Interim Budget Director for the Mayor's Office Leland Wilcox provided comments and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the recommendation was approved. (5-0)

**(5) Wage Theft Ordinance. (Rocha/Kalra/Matthews/Carrasco)**

Refer the following item to an upcoming Council Agenda:

We recommend that the Council direct staff to analyze the following policy options for combating wage theft and return to Council with their analysis:

- a. Revising contract and RFP requirements to protect the City from contracting services from businesses with unpaid wage theft judgments.
- b. Authorizing Departments that issue business licenses or city issued permits to deny, suspend, or revoke licenses and permits to businesses with unpaid wage theft judgments.
- c. Any other readily available information staff may provide on the issue of wage theft.

Documents Filed: Memorandum from Councilmember Donald Rocha, Ash Kalra, Magdalena Carrasco, and Margie Matthews to the Rules and Open Government Committee, dated April 9, 2015, entitled, "Wage Theft Ordinance."

Public Comment:

- The following people spoke in favor of this item: Chief Executive Officer at the Santa Clara & San Benito Counties Building & Construction Trades Council Josue Garcia, President of the Evergreen Teachers Association CTA/NEW Brian Wheatley, Executive Director of the Day Worker Center of Mountain View Maria Marroquin, Director of Organizing and Civic Engagement of Working Partnerships USA Maria Noel Fernandez, Raymond Sullivan-Blum, Fatima Silver of Community Solutions, Community Organizer at Sacred Heart Community Center Maria Blum-Sullivan, Supervising Attorney of the Workers' Rights Clinic of the Alexander Community Law Center Ruth Silver Taube, Joan Goddard of 9to5 National Association of Working Women, Esther Peralez-Dieckmann, Partner at the Justice at Work Law Group Huy Tran, and Lan Diep.

Councilmember Ash Kalra and Interim Director of the Department of Public Works Barry Ng provided comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, Item B was referred to the Priority Setting Session. (4-1. Noes: Carrasco).

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, Item A and Item C was approved. (5-0)

**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**

- Blair Beekman provided comments related to transparency and drone usage.

**ADJOURNMENT**

The meeting adjourned at 3:29 p.m.



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Mayor Sam Liccardo  
Rules and Open Government Committee

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