

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

SAN JOSE, CALIFORNIA

WEDNESDAY, September 9, 2015

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:01 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: None.

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

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)

Public Comment:

- David Wall shared concerns regarding Items 2.11, 2.12, 2.13, 3.6, 4.2, 4.5, and 7.1.

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Add Sheet with language changed. (5-0.)

(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)

Public Comment:

- David Wall provided comments on Items 2.6, 4.4, 4.5, and 9.1.

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: Language changed on Page 1 for Invocation District 8. (5-0)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

(1) State – None.

(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.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsey Shotwell to the Rules and Open Government Committee, dated September 2, 2015, entitled, "Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Summer 2015."

Director of Intergovernmental Relations Betsey Shotwell, Pamela Welsh of Squire Patton Boggs, LLP and Marek Gootman of Squire Patton Boggs, LLP provided additional information to the Committee and were available to answer questions from the Committee.

Public Comment:

- David Wall provided comments regarding Squire Patton Boggs, LLP.

MEETING SCHEDULE

None.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of August 28 – September 3, 2015.

Public Comment:

- David Wall provided comments on Items (3) and (4).

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 & 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.

Documents Filed: Memorandum from Director of Economic Development and Chief Strategist Kim Welsh to the Rules and Open Government Committee, dated August 31, 2015, entitled, “Arts Commission FY 2014-2015 Annual Report and FY 2015-2016 Workplan.”

Public Comment:

- David Wall suggested that the Arts Commission review and protect vandalized murals throughout the City.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the recommendation was approved and was placed on the September 22, 2015 City Council Agenda for final action. (5-0)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Consent Calendar

Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (5-0)

- (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

Documents Filed: Memorandum from Councilmember Rose Herrera to the Rules and Open Government Committee, dated September 3, 2015, entitled, "Approval of POW/MIA Flag Raising Ceremony sponsored by Council District 8 as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

Action: The item was placed on the September 22, 2015 City Council Agenda for final 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

Documents Filed: Memorandum from Councilmember Manh Nguyen to the Rules and Open Government Committee, dated September 3, 2015, entitled, "Approval of Vietnamese American Resolution Reception sponsored by District 4 as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

Action: The item was placed on the September 22, 2015 City Council Agenda for final 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

Documents Filed: Memorandum from Councilmember Chappie Jones to the Rules and Open Government Committee, dated September 3, 2015, entitled, "Dinner with Consul General of Korea Event."

Public Comment:

- David Wall provided supporting comments for District 3 restaurants.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was placed on the September 22, 2015 City Council Agenda for final action. (5-0)

- (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.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated September 1, 2015, entitled, "Office of City Clerk Audit and Review."

City Clerk Toni J. Taber and City Auditor Sharon Erickson provided additional comments and were available to answer questions from the Committee.

Public Comment:

- Martha O'Connell spoke in support of the audit and shared comments regarding Boards and Commissions.
- David Wall spoke in support of the audit and provided additional suggestions for campaigns.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, Parts A and C were combined, and Part B was approved. (5-0)

- (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 358 by Senator Hannah-Beth Jackson; and
 - 2) Add to one of our Key Legislative Items - support for AB 1017 (Campos) Gender Pay Equity.

Documents Filed: Memorandum from Mayor Sam Liccardo, Councilmember Donald Rocha, Councilmember Magdalena Carrasco, and Councilmember Ash Kalra to the Rules and Open Government Committee, dated September 3, 2015, entitled, "Gender and Ethnicity Pay Equity"; Memorandum from Vice Mayor Rose Herrera to the Mayor and City Council, dated September 3, 2015, entitled, "Gender Pay Equity."

Public Comment:

- David Wall provided comments regarding the assessment of current hiring processes.

Director of Human Resources Joe Angelo provided additional information to the Committee and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was placed on the September 30, 2015 Joint Meeting of the Rules and Open Government Committee and Committee of the Whole Agenda. (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) Joint Meeting of the Rules and Open Government Committee and Committee of the Whole – None.

OPEN GOVERNMENT

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

OPEN FORUM

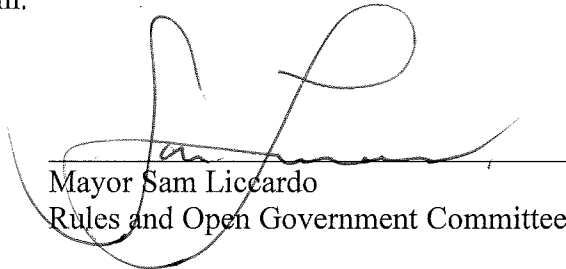
Documents Filed: Document from Martha O’Connell, dated April 2010, entitled, “Straight Talk”; Letter from Jeff Bedolla to the Office of the City Clerk, dated September 8, 2015, regarding the Ethics Commission; Letter from David Wall to the Mayor and City Council, dated August 27, 2015, regarding, “Request for Public Record Information.”

Public Comment:

- Martha O’Connell submitted one document to the Public Record and provided comments regarding an “opt-in” option for mobile home parks.
- Jeff Bedolla submitted one document to the Public Record and provided comments regarding the Ethics Commission.
- David Wall submitted one document to the Public Record and provided comments regarding his public record requests.

ADJOURNMENT

The meeting adjourned at 3:03 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:at

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.