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## **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.

May 21, 2014

Wing 118-120

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- A. City Council (City Clerk)**
  - 1. Review May 27, 2014 Final Agenda  
Cancelled.
  - 2. Review June 3, 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
  - 2. Work Plans
  - 3. Annual Reports
- G. Rules Committee Reviews, Recommendations and Approvals**
  - 1. Workload Assessment for Council Requests and Referrals.
  - 2. [Eritrean Independence Day Flag Raising Ceremony](#). (Liccardo)
    - a. Approve the District 3 Eritrean Independence Day Flag Raising Ceremony scheduled for May 23, 2014, as a City Council sponsored Special Event and approve expenditure of funds.

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

- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the June 3, 2014 Council Agenda for action.
3. [Casino M8trix: Pay up, or Close Down.](#) (Liccardo)  
Direct that:
- 1) The City Manager notify Casino M8trix of the City Manager's intention to commence proceedings in 30 days to suspend its gaming permit and any related licenses under Title 16, and any applicable conditional use or other land use permits for the club's operations, if Casino M8trix fails to pay the full amount due to Asian Americans for Community Involvement by that date, pursuant to its 2009 settlement with the City of San José.
  - 2) The City Auditor and the City Manager conduct a full investigation of Casino M8trix's operations and financials to determine whether, in light of the apparent concealment of tens of millions of casino profits, the card club owes the City additional funds under the 15% cardroom tax, or any other City fees or taxes.
  - 3) The City Attorney halt any Council consideration of proposed changes to the Municipal Code that would weaken or otherwise alter City gaming regulatory procedures, until the conclusion of the adjudication of the California Gambling Control Commission.
  - 4) The City Manager to await adjudication of the Accusation filed by the state Attorney General before the California Gambling Control Commission, and upon findings of fraudulent concealment of funds, other gross illegality, or any finding which forms a basis for regulatory action on part of the City, commence proceedings to revoke Casino M8trix's Title 16 gaming permit and any related licenses.
4. [Waiver of Revolving Door Restrictions.](#) (City Attorney)  
The Rules Committee considers a request for a Waiver of the Revolving Door Restriction under San Jose Municipal Code (SJMC) Section 12.10.070 for:
- a. Josué Garcia, former Chief of Staff for Councilmember Xavier Campos
  - b. Make a recommendation to the City Council as appropriate and forward the item to the full Council for action on June 3, 2014. The Committee has the following options:
    - 1) Forward to the Council with no recommendation; or,
    - 2) If the Committee finds that such a waiver is in the best interest of the of the City, to recommend approval of the waiver by the Council; or,
    - 3) If the Committee finds that such a waiver is not in the City's interests, to recommend denial of the waiver request by the Council.

**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
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**

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](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 2<sup>nd</sup> 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.