



Memorandum

TO: City Council

FROM: Mayor Chuck Reed

SUBJECT: SEE BELOW

DATE: January 9, 2007

APPROVED:

Ag for Chuck Reed

DATE:

1/9/07

SUBJECT: APPROVAL OF CITY COUNCIL AND REDEVELOPMENT AGENCY COMMITTEE RESTRUCTURING AND APPOINTMENTS TO COUNCIL RULES OF CONDUCT FOR MEETINGS.

REASON FOR SUPPLEMENTAL

At staff's request the following supplemental memo is being issued.

To assist the City Council, attached is a redline version detailing the proposed changes to the Council Rules of Conduct for Meetings.

Also, the following modifications are being made to the original memo.

1. The Investment Committee appointment must be a member of the public and that appointment has to be removed.
2. HCP Advisory Group has been renamed to the Santa Clara Valley Habitat Plan and the assignment should be changed from Mayor Reed to Councilmember Chirco.
3. CDBG Steering Committee has been renamed to the Housing and Community Development Advisory Commission.
4. Mayor's Aging Leadership Council has been renamed to the Aging Leadership Group

Chuck Reed
Mayor

cc: Lee Price, City Clerk

RESOLUTION NO. 73321xxxxx

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE RULES FOR THE CONDUCT OF ITS MEETINGS, AND SUPERSEDING RESOLUTION NO. 72784 73321

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Council of the City of San José does hereby adopt and establish the following rules for the conduct of its meetings, proceedings, and business.

RULE 1

MEETINGS

(a) Regular Meetings

The regular meetings of the Council shall be held, without notice, on Tuesday of each calendar week. The meeting shall commence at 9:30 a.m., for closed session purposes, in the ~~Mayor's Conference Room~~ in the Council Chambers Committee Room in the City Hall of the City of San Jose, unless the session is publicly posted to begin at 9:00 a.m., and upon completion of closed session be recessed until 1:30 p.m., in the Council Chambers in the City Hall of the City of San Jose or at such other place as the Council may from time to time prescribe. City Hall is situated at 200 East Santa Clara Street, San José, California, at the south side of East Santa Clara Street, between 4th and 6th Streets, San Jose, California. Evening sessions, when scheduled, shall commence at 7:00 p.m.

(b) Special Meetings

A special meeting of the Council may be called at any time by the Mayor, or by a majority of the members of the Council, in accordance with the Ralph M. Brown Act. (California Government Code Sections 54950, et seq.) hereinafter referred to as the "Brown Act."

(c) Adjournment: Adjourned Meetings

The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members will be or are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings. Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this Rule, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(d) Closed Sessions

The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by state law to exclude from such closed sessions.

(e) Attendance

Section 407 of the San Jose City Charter requires that a sum, as established by the Council Salary Setting Commission, be deducted from the salary of each member, except the Mayor, for each regular meeting of the Council missed by said member. Attendance, for purposes of Charter Section 407, is deemed to mean being present at any such regular meeting, unless officially excused by the Council for authorized city business, illness or death in the family.

pursuant to provisions of Section 407 of the Charter. Requests to be excused from attendance shall be a regular agenda item on the council's consent calendar.

(f) Cancellation

Any meeting of the Council may be canceled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

(g) Chair

The Mayor shall preside over all Council meetings. In the Mayor's absence, the Vice Mayor shall serve as presiding officer. In the absence of both the Mayor and the Vice Mayor, it shall be at the Mayor's discretion to appoint a chair for the meeting. In the event the Mayor is unable to appoint a chair, ~~the order of succession shall be as follows: the Vice Chair of the Rules Committee, the Chair of the Building Better Transportation Committee, the Chair of the Building Strong Neighborhoods Committee, the Chair of the All Children Achieve Committee, the Chair of the Driving a Strong Economy Committee, and the Chair of the Making Government Work Better Committee.~~ the Council shall designate the chair.

RULE 2

ORDER OF BUSINESS

The business of the Council, at its meetings, shall be conducted in accordance with the following order of business.

CLOSED SESSION

CALL TO ORDER AND ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ORDERS OF THE DAY

CLOSED SESSION REPORT

CEREMONIAL ITEMS

____ CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

COMMUNITY & ECONOMIC DEVELOPMENT

NEIGHBORHOOD SERVICES

TRANSPORTATION & AVIATION SERVICES

ENVIRONMENTAL & UTILITY SERVICES

PUBLIC SAFETY SERVICES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY

~~CLOSED SESSION REPORT~~

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

OPEN FORUM (to be heard jointly with Redevelopment Agency public discussion)

GENERAL PLAN HEARINGS

PUBLIC HEARINGS (for meetings with evening sessions)

OPEN FORUM (for evening meetings)

ADJOURNMENT

The order of business shall be altered to the extent necessary to comply with the provisions of Rule No. 4 relating to Hearings. Also, departures from the order of business may be authorized from time to time by majority vote of the Council or by the Mayor in the role of Chair.

RULE 3

AGENDA

(a) Content

The City Clerk shall prepare for each meeting of the Council an agenda specifying the time and place of the meeting and setting forth a brief general description of each item of business to be considered by the Council at that meeting. The agenda for each regular meeting shall include all items of business requested to be placed on the agenda by the City Council ~~individual Council members~~ or the Council Rules and Open Government Committee. Any member of the Council or the Council Appointees (i.e. the City Manager, the City Attorney, the City Clerk, the City Auditor, or the Independent Police Auditor) shall submit items to be placed on the agenda to the Rules and Open Government Committee or to the Council as a whole under the Orders of the Day. The City Clerk shall refer all written requests from the public ~~to address the Council for an agenda item~~ to the Administration. The City Clerk shall provide a copy of each written request to the Rules and Open Government Committee.

(b) Draft Agenda

The City Clerk shall prepare a draft agenda for the Rules and Open Government Committee on the second Wednesday immediately preceding the date of Council meeting. The Rules and Open Government Committee upon considering such agenda, may add any items of business thereto, and may delete items therefrom, except for items placed on the agenda by an individual Council member, unless such items have been referred to staff or a Committee.

(c) Time Certain

~~Certain~~ Some items may be listed on the agenda for a time certain or not before a certain time. Such listing shall mean that the item shall be heard as soon as reasonably possible after the specified time, but not before.

(d) Orders of the Day

Items may be added to the agenda, under Orders of the Day, by the Mayor, or any Councilmember or Council Appointee, if that person determines that there is a necessity to

so add. However, no such item shall be heard unless the change to the Orders of the Day has been approved by a majority of the Council. The agenda shall include a statement under Orders of the Day that items recommended to be added, dropped or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

(e) Posting

The agenda for each regular meeting shall be posted in accordance with the Brown Act. The City Clerk shall maintain a record of such posting in a form approved by the City Attorney.

(f) Actions

The Council shall not take action on any matter not appearing on the posted agenda unless one of the exceptions listed in the Brown Act is applicable.

RULE 4

HEARINGS AND DISCUSSION ITEMS

(a) Time for Consideration

Hearings and matters noticed or ordered to be held by the Council at 7:00 p.m., or at any other specified time, shall be commenced at the time specified for hearing or consideration of such matter, or as soon thereafter as is reasonably possible, and shall continue until the same have been completed or until other disposition of such matters has been made.

(b) Continuance of Hearings

Any hearing being held, noticed or ordered to be held at any meeting of the Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Council, in the same manner and to the same extent hereinabove set forth for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of

continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(c) Public Discussion

Before any motion is adopted relating to the merits of the matter to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting such matter. Any person desiring to so speak or present evidence shall submit a speaker's request card and submit it to the City Clerk and upon being recognized by the Mayor, such person may speak or present evidence relevant to the matter being heard. No person shall be denied the right to speak because he or she declines to disclose his or her name, address or telephone number. However, no person shall be permitted to speak or present evidence until the person is recognized by the Mayor and given permission by the Mayor to present the evidence or to speak. Members of the Council who wish to ask questions of the people or of each other, or who wish to discuss the subject matter of the hearing during the course of the hearing, may do so, but only after being recognized by the Mayor. The Mayor shall conduct the meeting in a manner which affords due process.

All persons interested in the matter which is the subject of the hearing shall be entitled to submit written evidence which will be part of the record and shall be given opportunity to present other evidence relevant to such subject. All evidence presented shall be retained by the City as part of the Clerk's record; however, parties displaying models and large exhibits may withdraw them. The City Clerk can request that substitute photographs be submitted to be part of the record. Also, within the time limits which may be set as described below, interested persons shall be given reasonable opportunity to present oral arguments for or against any proposed action. However, no person shall be permitted, during such hearing, to

Speak or present evidence respecting matters not relevant to the matter which is the subject of the hearing.

The Mayor, in the Mayor's discretion, may set such time limits as the Mayor may find reasonable under the circumstances.

(d) Consideration of Question by Council

After the conclusion of the public testimony upon the subject of any hearing, the Council may consider what disposition it wishes to make of the question or questions presented to it at said hearing. No member of the public shall be allowed, without the consent of the Mayor, to speak upon the question or subject during or after such discussion and consideration by the Council. While considering any matter presented to them at such hearing, members of the Council may speak upon addressing the Mayor and being recognized by the Mayor. Councilmembers may address other members of the Council only through the Mayor.

(e) Reconsideration

Any action taken by the City Council is subject to reconsideration if the motion to reconsider is made by a Councilmember who voted with the prevailing side. A motion to reconsider may only be made at the Council meeting where the original vote was taken or at the next Council meeting. Once a majority of the City Council has voted to reconsider an action, the reconsideration can be held immediately or at a later Council meeting as designated by the Council.

RULE 5

MOTIONS

When a motion is made and seconded, it may be debated by the Council. Members of the Council may speak in debate of a motion only when addressing the Mayor and being recognized by the Mayor. Whenever the subject of the motion has been discussed and considered and roll call has been started, there shall be no further discussion or debate except that members of the Council may be allowed to explain their vote or propose supplemental motions.

RULE 6

VOTING

All members of the Council who are present at a meeting when a question comes up for a vote, shall vote for or against the measure in accordance with City Charter Section 600.

RULE 6.5

ADDITIONAL RULES OF PROCEDURE

From time to time, the Council may adopt additional rules of procedure for the conduct of its meetings, proceedings and business. Such rules may include, but are not limited to, additional requirements for noticing of Council agenda items, distribution of information related to agenda items and supermajority voting requirements under specified circumstances. An action taken in violation of these additional procedural rules shall not be determined to be null and void if the action was in substantial compliance with the rules, or taken in connection with the sale or issuance of notes, bonds, other evidences of indebtedness, or the action taken gave rise to a contractual obligation upon which a party has in good faith relied. The Clerk shall maintain a current listing of all such rules.

RULE 7

ROBERT'S RULES OF ORDER

Except as otherwise provided herein, the Council shall be governed by the rules of procedure set forth in Robert's Rules of Order, Newly Revised, 9th Edition.

RULE 8

STUDY SESSION

The Council may meet in a Study Session at such time or times, and at such place or places, as it may from time to time deem advisable. The City Manager or any member of the Council may request the Rules and Open Government Committee to set Study Sessions.

The Mayor or, in the Mayor's absence, the Vice Mayor, shall preside as chairperson of the Study Session.

Council Members shall study and consider all matters which may be referred to it by the City Council or the Rules and Open Government Committee; and all recommendations made at the Study Session shall be reported to the Council for action.

RULE 9
COUNCIL COMMITTEES

(a) Council Committees Established

~~A Rules Committee and Five Standing Committees of the City Council are hereby established.~~

- ~~1. All Children Achieve~~
- ~~2. Building Better Transportation~~
- ~~3. Building Strong Neighborhoods~~
- ~~4. Driving a Strong Economy~~
- ~~5. Making Government Work Better~~
1. Rules and Open Government
2. Transportation and Environment
3. Neighborhood Services and Education
4. Community and Economic Development
5. Public Safety, Finance and Strategic Support

(b) Committee Rules

The rules included in Rule 9(g), Conduct of Committee Business, shall govern the conduct of all Committee meetings. Each Committee may adopt, by a majority vote of its entire

membership, such additional rules, not in conflict with this Rule, as it may deem necessary for the conduct of Committee business.

(c) Committee Meetings

Each Committee shall meet regularly and without notice at a regularly scheduled time to be recommended by the Rules and Open Government Committee, adopted by the Council and posted by the City Clerk.

Each Committee will meet in Room W-118/119 of City Hall unless otherwise noticed.

Each Committee may, by majority vote of its membership, set special meetings or adjourned meetings as it deems necessary, in accordance with the Brown Act.

The ~~Making Government Work Better~~Council Committees shall meet jointly with the ~~Making Government Work Better~~ Committees of the Redevelopment Agency.

The provisions of Rule 1(b), 1(c) and 1(d) of this Resolution shall apply to each Committee, except that the word Mayor as used therein shall be deemed to mean Chairperson, and the word Council as used therein shall be deemed to mean Committee.

The provisions of the Brown Act shall apply to the meetings of each Committee.

(d) Committee Appointments and Duties of Committee Members

The Mayor shall appoint the members of each Committee from among the members of the City Council.

The Chairperson and the Vice Chairperson of each Standing Committee shall be appointed by the Mayor. The Chairperson and Vice Chairperson may be removed in the same manner.

The term for each Committee appointment shall be for one year, from the first day in January

to December 31st and until a successor is duly appointed. Should a vacancy occur in any Committee for whatever reason, appointment to the vacated position shall be for the unexpired term of the position created by said vacancy.

In the absence of both the Chairperson and Vice Chairperson, the Committee members present shall elect a Chair-pro-tem.

It is the duty of a Councilmember to attend every meeting of every Committee of which the Councilmember is a member and the Councilmember is charged with fulfilling the responsibilities of such Committees. Requests to be excused from attendance shall be a regular item on the council's consent calendar.

(e) Staff Assignments to the Committees

Committee staff shall deliver to each Committee member, the balance of the Council and to Council Appointees, all papers and documents relating to matters referred to such Committee pursuant to these Rules. The City Clerk shall serve as secretary to Study Sessions and the Rules and Open Government Committee. The City Manager shall designate a secretary for each of the other Committees, who shall keep a record of attendance and business transacted at each meeting. Such record shall be provided to the City Clerk and it shall be the responsibility of the City Clerk to distribute to the Mayor, the Council, and the Council Appointees a copy of the record from each Committee meeting including presentation materials.

(f) Reports

The reports of Committees shall be in writing and shall be presented to the City Council. Nothing in this Rule shall be construed to prohibit the introduction of minority reports, together with the majority report.

(g) Conduct of Committee Business

Except as otherwise provided in these Rules, Committee hearings shall be governed as follows:

1. The Chairperson shall preside at meetings of the Committee. If the Chairperson is absent, the Vice Chairperson shall assume the duties of the Chairperson.
2. The Chairperson shall direct the order of presentation of the arguments for and against matters for consideration by the Committee, and shall permit questions to be asked by the various members of the Committee, members of the public and the Administration in an orderly fashion and in keeping with proper decorum.
3. At the discretion of the Chairperson, any Council Committee, including the Rules and Open Government Committee, may meet with only two Committee members present. Committees with only two members present may take action on any matter, but the report to the City Council shall reflect the number of members actually voting.
4. The Committee Chairperson, in consultation with Committee staff, shall set the Committee agenda. The Chairperson shall set the date for any continued hearing and shall notify the Committee secretary of such date.
5. The Committee secretary shall be responsible for posting the Committee agenda in accordance with the Brown Act. An agenda for each Committee

meeting shall be delivered to the Mayor, City Council, and the Council Appointees at least four (4) working days prior to the Committee meeting, and shall be posted in conformance with Rule 3(d). The agenda shall be composed of items referred by the Council or Rules and Open Government Committee as well as items within the Committee work plan.

6. A report or matter approved by a Committee shall be forwarded to Council and appear on the Council agenda at the second Council meeting following the Committee meeting except as follows:
 - (a) If the Committee meets on a Monday, the report shall appear on the agenda at the third Council meeting following the Committee meeting.
 - (b) Based on extenuating circumstances, the Chairperson of any Committee can direct that an item be reported at an earlier Council meeting.
7. The Council shall vote to accept the Committee Report and to take all actions ~~contained~~ specified in the Report, other than to approve an ordinance, resolution or contract. Councilmembers who do not concur with a recommendation may request a separate vote or may ask that a 'no' vote be recorded with regard to that recommendation. Staff recommendations that are contained in other materials shall be restated in the committee report or separately agendized for Council consideration.
8. The Committee may recommend that an ordinance or resolution be introduced or amended or that a contract be awarded. If the ordinance, resolution or contract has been prepared before the date on which it shall be considered by the City Council, it shall be placed under a separate agenda item and acted upon separately from approval of the Committee report. If the ordinance, resolution or contract is not ready for formal action, the Committee report shall

- be understood to provide direction to the City Attorney to prepare the necessary documents upon the Council's acceptance of the Committee Report.
9. The assigned staff shall keep a record of the meetings and actions taken by the Committee.
 10. No Committee action shall be taken on any item outside a duly constituted Committee meeting.
 11. Council Appointees or their designees, may attend and speak at all Committee meetings, but shall have no vote therein.
 12. The Committees shall report on all matters referred to them by the Council without unnecessary delay. If the City Council desires to remove a matter from the jurisdiction of a Committee, it may, at a regular meeting of the City Council, discharge said Committee from further consideration of the matter.
 13. Council and Committee referrals or requests for information or direction to the Administration staff shall be processed in accordance with the Council Referral procedures in Council Policy No. 0-12.

(h) Rules and Open Government Committee

The Rules and Open Government Committee shall be composed of ~~five~~four members and an alternate member. The ~~Vice-Mayor~~ shall be the Chairperson of the Rules and Open Government Committee and ~~one of the Committee member~~the Vice Mayor shall be ~~designated by the Mayor to be~~ the Vice Chairperson. If one or more members of the Rules Committee cannot attend, the alternate member of the Committee may attend in the absent member's stead.

The Rules and Open Government Committee shall, if requested by the Council, consider and make recommendations on the operations of the Council, including relationships between the Council and the Council Appointees, appointments to boards and commissions, the

operation of Council offices, rules regarding the Council conduct, renovation and construction of Council Chambers and offices, elections and initiatives, and organizational and operational matters pertaining to the offices of Council Appointees. The Rules and Open Government Committee shall also review the Council and Study Session agendas in advance of the Council or Study Sessions and may add or withdraw items as needed except for those items placed on the agenda ~~either by a majority vote of Council or an individual Councilmember.~~ The Rules and Open Government Committee's area of responsibility shall include the approval of the Standing Committee's work plan and the City Auditor's work plan. The Rules and Open Government Committee may also refer any item directly to Standing Committees or the Administration for consideration. The Rules and Open Government Committee shall also consider and make recommendations to the Council on disputes over public records act requests.

(i) **Division of City Operations**

Except for budget matters, which shall be considered by the Council as a whole, most matters to come before the Council should go through one of the Standing Committees for a public hearing.

The policy areas or mission statement for Standing Committees shall be as follows:

Rules and Open Government Committee

Council Agenda Setting; Committee Work Plan; City Auditor Work Plan; Commission Appointments (not required to be interviewed by Council); Ensuring accessible, responsive, transparent and accountable government.

All Children Achieve

~~Strengthen the role of City government in improving student achievement so that every child in San José can have the opportunity to succeed.~~

Building Better Transportation

Leading the historic expansion of Silicon Valley's highway, rail and street infrastructure to make City streets safer and more pedestrian friendly and provide traffic relief to Silicon Valley commuters, help people reach their destinations quicker and safer while supporting smart growth.

Building Strong Neighborhoods

Making government view its role through the eyes of its residents, standing at the edge of their driveways. Working together, the City and its residents invest time, effort, and resources to improve neighborhoods, making San José a place they're proud to call home.

Driving a Strong Economy

Make San José the best place in America to do business, work and live. San Jose will offer housing for all income levels with diverse exciting entertainment and culture.

Making Government Work Better

Make San José a user friendly City that delivers cost effective high quality services to residents and businesses.

Transportation and Environment

To provide the community with safe, secure, and efficient surface and air transportation systems that support San Jose's livability and economic vitality and to provide environmental leadership through policy development, program design and reliable utility services and infrastructure.

Neighborhood Services and Education

To serve, foster and strengthen community by providing access to lifelong learning, opportunities to enjoy life, ensuring a diverse range of housing opportunities, preserving healthy neighborhoods.

Community and Economic Development

To manage the growth and change of the City of San Jose in order to encourage a strong economy, ensure a diverse range of arts cultural and entertainment offerings, and create and preserve healthy neighborhoods.

Public Safety, Strategic Support and Finance

To effectively develop, manage and safeguard the City's fiscal, physical, technological and human resources to enable and enhance the delivery of City services and projects and to provide prevention and emergency response services for crime, fire, medical, hazardous and disaster related situations.

(j) Amending Council Committee Rules

Committees may set their own rules as long as they are consistent with Rule 9. Any rule which conflicts with Rule 9 must be authorized by resolution adopted by the Council.

(k) Certain Other Committees Abolished

All other Standing Committees heretofore established by this Council consisting solely of members of Council, except those mentioned in this Resolution, are hereby abolished. The Mayor or the Council may appoint *ad hoc* committees from time to time.

(l) Matters Requiring Public Hearings

No matter shall be referred or assigned to a Committee pursuant to these Rules for which a public hearing by the City Council is required by law or where the decision with respect to such matter is delegated to or reposed in a body or individual other than the Council, nor shall a Committee initiate on its own motion consideration of any such matter.

RULE 10

PETITIONS AND COMMUNICATIONS

(a) General

Within the established rules for the conduct of the Council's official proceedings, any person or group of persons may personally, or through authorized representatives, present grievances or offer suggestions to the Council for the betterment of municipal affairs at any regular meeting of the Council. Such may be done either by filing with or presenting to the Council written petitions or communications respecting such matter and/or orally speaking thereon.

(b) Written Petitions on Agenda

If a written petition has been filed and placed on the agenda pursuant to Rule 3, such petition shall be considered by the Council at the time such agenda item is taken up by the Council. Any person or group of persons desiring to speak to the Council respecting the subject matter of such petition will be permitted to do so personally or through authorized representatives, subject to applicable rules, at said time, provided that no person shall be permitted to so speak unless the person has submitted a speaker's request card and is recognized by the Mayor and is given permission by the Mayor to speak. Any person desiring to so speak may complete a speaker's request card and submit it to the City Clerk. No person shall be denied the right to speak because he or she declines to disclose his or her name, address or telephone number on the speaker's request card. However, no person shall be permitted to speak until recognized by the Mayor and given permission by the Mayor to speak.

(c) Petitions or Communications Not on Agenda

If a person or group of persons wishes to present to the Council, at a Council meeting, a written or oral petition or communication which has not been placed on the Council's agenda pursuant to Rule 3, such will be permitted at the time the Council takes up "open forum" as shown on the agenda. Any person or group of persons desiring to speak to the Council respecting the subject matter of such petition or communication will be permitted to do so personally or through authorized representatives, subject to applicable rules, provided that no person shall be permitted to so speak unless the person first submits a speaker's request card and is recognized by the Mayor and given permission by the Mayor to speak. Any person desiring to so speak shall submit a speaker's request card to the City Clerk. No person shall be denied the right to speak because he or she declines to disclose his or her name, address or telephone number on the speaker's request card. However, no person

shall be permitted to speak until recognized by the Mayor and given permission by the Mayor to speak.

The Mayor, in the Mayor's discretion, shall set such time limits as the Mayor may find reasonable under the circumstances.

The Council shall not take any action on any matter not appearing on the posted agenda unless one of the exceptions in the Brown Act is applicable.

RULE 11

DISORDERLY CONDUCT

Pursuant to the provisions of Section 502 of the Charter of the City of San Jose, the Mayor shall have the authority to preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of Council. For the above purposes, the Mayor may command the assistance of any peace officers of the City who shall enforce all lawful orders of the Mayor.

Disorderly conduct shall be deemed to include, but not be limited to, each of the following:

1. Willfully disturbing or breaking up, without authority of law, any meeting of the Council; or doing any act or engaging in any conduct, at any Council meeting, without authority of law, with intent to disturb or break up such meeting of the Council, which urges the disturbance or breaking up of such meeting, or urges others to commit acts or engage in conduct which will disturb or break up such meeting. Acts or conduct which shall be deemed disturbing to the meeting

shall be deemed to include, but not be limited to, unreasonably loud and prolonged yelling, screaming, clapping or other noise-creating acts which render it impossible or difficult for the Council to conduct or continue with its proceedings;

2. Doing any act or engaging in any conduct, at a meeting of the Council and in the immediate view or hearing and presence of the Council, with intent to disturb the proceedings of the Council or to impair the respect due to the authority of the Mayor or Council, which tends to interrupt the proceedings of the Council or impair the respect due to the authority of the Mayor or the Council;
3. Doing any act or engaging in any conduct, at any Council meeting, with intent to cause a riot, which urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, under circumstances which produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property. As used herein, "riot" means any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by the immediate power of execution, by two or more persons acting together and without authority of law;
4. Threatening, at any meeting of the Council, to commit or cause bodily injury upon any member of the Council, or upon any officer or employee of the City, or upon any other person, or to burn or destroy or cause the burning or destruction of any property if the Council fails or refuses to act, or to refrain from acting, in accordance with the wishes of the threatening person;
5. Willfully refusing or failing, at a meeting of the Council, to comply with any rule of the Council or with any reasonable order of the Mayor or the Council.

SECTION 2. Resolution No. 72784 and all other prior Resolutions inconsistent herewith are hereby superseded.

ADOPTED this 27th day of June, 2006, by the following vote:

____ AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

____ NOES: NONE

____ ABSENT: NONE

____ DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMG
City Clerk