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**A RESOLUTION OF THE CITY COUNCIL SALARY SETTING COMMISSION
ADOPTING AND ESTABLISHING RULES FOR THE CONDUCT OF ITS MEETINGS
PROCEEDINGS AND BUSINESS, AND REPEALING THE PREVIOUS RESOLUTION**

WHEREAS, the City Council Salary Setting Commission has found it necessary and desirable to adopt Rules of Order for the conduct of its business, now therefore,

BE IT RESOLVED BY THE Salary Setting Commission of the City of San Jose that the Commission does hereby adopt Rules of Order for the conduct of its business, as follows:

RULES OF ORDER

ARTICLE I
GENERAL PROVISIONS

Section 100. DEFINITIONS. As used in these rules, unless the context clearly indicates otherwise:

- (a) "Commission" means the City Council Salary Setting Commission;
- (b) "Brown Act" means the Ralph M. Brown Act, Government Code Sections 54950 et seq., as amended.
- (c) "*Sunshine Reforms*" means the open government rules adopted by the San Jose City Council, Ordinance

Section 101. GENERAL. The name of the Commission, the number of its members, the members' qualifications, and their appointment, removal and terms of office shall be prescribed by Section 1001.1 of the City Charter.

Section 102. OFFICE. ~~Room 116 of the San Jose City Hall, Office of the City Clerk of the City of San Jose, First and Mission Streets, 200 E. Santa Clara Street, San Jose, California,~~ is designated as the office of the Commission.

Section 103. REGULAR MEETING PLACE. Except as the Commission may from time to time otherwise provide, the regular meeting place of the Commission shall be in *San Jose City Hall of the City of San Jose, First and Mission Streets 200 E. Santa Clara Street, San Jose, California* in a room to be designated on the meeting agenda. If by reason of emergency, it is unsafe to meet at the regular meeting place of the Commission, meetings may be held at any place designated by the Chairperson.

Section 104. RECORDS. All books, records, papers, tapes and minutes of the Commission meetings shall be maintained in the Office of the City Clerk, *San Jose City Hall, 200 E. Santa Clara Street* ~~Room 116 of the City Hall.~~

ARTICLE II
OFFICERS
CHAIR AND VICE CHAIR

Section 200. ELECTION. The Chair and Vice-Chair of the Commission shall be elected by the Commission from its membership.

Section 201. TERMS OF OFFICE. The Chair and Vice-Chair shall be elected for terms of one (1) year commencing at noon on the first meeting day of January, and continuing to the first meeting day of January of the succeeding year. Elections of the Chair and Vice-Chair shall be conducted at the first meeting of the Commission immediately following the expiration of the terms of office. The Chair and Vice-Chair shall serve at the pleasure of the Commission during the term of office and may be removed from office by the Commission at any time for any reason.

Section 202. VACANCIES IN OFFICE. The office of the Chair or Vice-Chair shall become vacant upon the happening before the expiration of his or her term of office of any of the events set forth in sub-sections (a), (b), (c), (d), (e), (g), (h), (i), (j), (k), and (l) of Section 409 of the Charter of the City, or upon such officer's absence from five (5) consecutive regular meetings other than adjourned regular meetings of the Commission, unless excused by resolution of the Civil Service Commission. If the Chair or Vice-Chair should cease to be a member of the Commission, or if for any other reason the office of the Chair or Vice-Chair should become vacant prior to the expiration of the term of office, the Commission shall elect a successor to the office of Chair or Vice-Chair for the unexpired portion of the term.

Section 203. CHAIR, POWERS AND DUTIES. The Chair shall have the following powers and duties:

- (a) The Chair shall preside at all meetings of the Commission.
- (b) The Chair shall sign all written resolutions of the Commission and all minutes of all meetings of the Commission which are approved by the Commission.
- (c) The Chair shall perform all other duties which may be required by the City Charter, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Charter and the ordinances of the City of San Jose.

Section 204. VICE CHAIR, POWERS AND DUTIES. The Vice-Chair shall have the following powers and duties:

- (a) In the event of and during the absence of the Chair, he or she shall preside as Chair at all meetings of the Commission and shall have and perform all other powers and duties of the Chair; and

- (b) He or she shall perform all duties which may be required of the Vice-Chair by the City Charter, by ordinance of the City of San Jose, or by resolution or order of the Commission consistent with the Charter and ordinances of the City of San Jose.

ARTICLE III
OFFICERS
CHAIR PRO TEMPORE

Section 300. In the event of vacancies in offices of the Chair and Vice-Chair, or in the event of the absence of the Chair and Vice-Chair, at the time of any meeting, the Commission may elect one of its members Chair Pro Tempore to preside over such meeting during such vacancies or absences. The Chair Pro Tempore shall have all the powers and duties of the Chair during such meeting.

ARTICLE IV
SECRETARY

Section 400. APPOINTMENT. The Secretary shall be the staff person designated to serve as such by the City Manager *Clerk*.

Section 401. POWERS AND DUTIES. The Secretary shall have the following powers and duties:

- (a) The Secretary shall attend all meetings of the Commission and shall record or keep minutes of all that transpires;
- (b) The Secretary shall attest all minutes of the meetings of the Commission;
- (c) The Secretary shall preserve, and be custodian of, all books, records, papers and tapes of the Commission. Whenever necessary he or she shall certify true copies of Commission documents; and
- (d) The Secretary shall perform all duties required of him or her by these rules and regulations or required of him or her by resolution or order of the Commission consistent with the Charter and ordinances of the City of San Jose.

ARTICLE V
MEETINGS

Section 500. GENERAL. Except as otherwise provided by this article, meetings of the Commission shall be open and public and shall comply with the requirements of the Brown Act *and the City's Sunshine Reform rules*.

Section 501. REGULAR MEETINGS. Regular meetings of the Commission shall be at 6:00 5:30 o'clock p.m. on the first and third Wednesday of each calendar month. If the time scheduled for a regular meeting falls on a City Holiday, the regular meeting shall be held on the next succeeding business day.

Section 502. SPECIAL MEETINGS. A special meeting may be called at any time by the Chair of the Commission, or by a majority of its membership, by delivering personally or by mail written notice to each member of the Commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice must be delivered personally or by mail at least twenty-four (24) hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered by the Commission at the special meeting.

Written notice of the special meeting may be dispensed with as to any member who, at or prior to the time the meeting convenes, filed with the Secretary of the Commission a written waiver of notice. The waiver may be given by telegram. Written notice of special meetings may also be dispensed with as to any member of the Commission who is actually present at the meeting at the time it convenes.

Section 503. ADJOURNMENT – ADJOURNED MEETINGS. The Commission may adjourn any regular, adjourned regular, special or adjourned meeting to a time and place specified in the order of adjournment; a majority of members present, even though less than a quorum may so adjourn. If all members are absent from a regular or adjourned regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated time and place; and he shall cause a written notice of the adjournment to be given in the manner provided in Section 502 for special meetings unless the notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be posted conspicuously on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

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 in Section 501 of these rules and regulations.

Section 504. CONTINUANCE. A convened meeting, or any meeting ordered or noticed to be held, may by order or notice of continuance, be continued or recontinued to any subsequent meeting of the Commission in the same manner and to the same extent set forth in Section 503 for the adjournment of meetings; provided, if a hearing is continued to a time less than twenty-four (24) hours after the time specified in the notice or order of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting which orders or declares the continuance.

Section 505. EXECUTIVE SESSIONS. Every meeting of the Commission shall be open and public; provided, however, that the Commission may hold executive session during a regular or special meeting to consider:

- (a) Subjects of current or pending litigation.

ARTICLE VI
MEETING AGENDA AND PROCEDURE

Section 600. AGENDA. The Commission shall provide for an agenda and may regulate or limit business to be considered by the Commission at any meeting. The Secretary shall prepare and distribute the agenda for the Commission.

Section 601. QUORUM. Three (3) members, being a majority of the total authorized membership of the Commission, shall constitute a quorum to transact business. A lesser number of members present at a meeting may constitute a quorum solely to adjourn the meeting or adjourn the meeting to a stated time.

Section 602. VOTING. No action shall be taken by the Commission except by affirmative vote of not less than three (3) members of the Commission; provided, a majority of a lesser number present may adjourn or adjourn to a stated time.

Section 603. MANNER AND RECORDATION OF VOTES. Voting by members of the Commission shall be by "ayes" and "noes," and the result of each vote shall be entered by the Secretary in the record of the Commission proceedings. Upon the request of any Commission member, a roll call vote shall be taken on any matter upon which a vote is called, and each vote shall be recorded by the Secretary to the record of the Commission proceedings.

Section 604. ORDER OF BUSINESS. At regular meetings of the Commission the order of business shall be conducted in accordance with the requirements of the Brown Act. The order of business may be changed at any meeting by the Commission.

ADOPTED this ~~19th~~ day of ~~January, 2005~~ *4th day of February, 2009*, by the following vote:

AYES: Commissioners —
NOES: Commissioners —
ABSENT: .

Joan , Chair
City Council Salary Setting Commission

Attest:
City Council Salary Setting Commission

Lee Price, MMC, City Clerk - Secretary
By, Michelle Radcliffe, Deputy City Clerk