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## **RULES AND OPEN GOVERNMENT COMMITTEE**

**CHUCK REED, CHAIR**  
**MADISON P. NGUYEN, VICE CHAIR**  
**PETE CONSTANT, MEMBER**  
**PIERLUIGI OLIVERIO, MEMBER**  
**ROSE HERRERA, ALTERNATE**

**STAFF: RICHARD DOYLE, CITY ATTORNEY**  
**DENNIS HAWKINS, CITY CLERK**  
**DEBRA FIGONE, CITY MANAGER**  
**RICHARD KEIT, REDEVELOPMENT**  
**AGENCY MANAGING DIRECTOR**

### **AMENDED** **AGENDA**

2:00 P.M.

January 4, 2012

Wing 118-120

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#### **A. City Council (City Clerk)**

1. Review January 10, 2012 Final Agenda
  - a. Add New Items to Final Agenda
    1. [Approve the Request for Excused Absences from Vice-Mayor Nguyen for her Maternity Leave for the following meeting dates. \(Vice-Mayor Nguyen\):](#)
      - Council Meetings
        - February 7, 14, 28; March 6, 13, 20, 27 (no meeting scheduled for February 21)
      - Rules and Open Government Committee
        - February 1, 8, 15, 22, 29; March 7, 14, 21, 28
      - Public Safety, Finance, and Strategic Support Committee
        - February 16 and March 15
    2. [Approve the addition of the African American History Month Flag Raising Event. \(Councilmember Kalra\)](#)
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)
2. Review January 17, 2012 Draft Agenda  
None – Meeting cancelled

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**B. Redevelopment Agency (Managing Director)**

1. Review January 10, 2012 Final Agenda
  - a. Add New Items to Final agenda
  - b. Assign “Time Certain” to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)
2. Review January 17, 2012 Draft Agenda  
None – Meeting cancelled
3. Assign “Time Certain” for convening Redevelopment Agency Agenda

**C. Review of Upcoming Study Session Agenda(s)**

**D. Legislative Update**

1. State
2. Federal

**E. Meeting Schedules**

**F. [The Public Record](#)**

**G. Boards, Commissions and Committees**

1. Appointments
2. Workplans
  - (a) [Approve the Advisory Commission on Rents \(ACR\) Workplan for FY 2011-12 and FY 2012 -13 \(January 1, 2012 – June 30, 2013. \(City Manager’s Office\)](#)
  - (b) [Approve the Mobilehome Advisory Commission’s \(MAC\) 18-month Workplan for January 1, 2012 to June 30, 2013. \(City Manager’s Office\)](#)
  - (c) [Approve the Early Care and Education Commission Workplan for FY 2011-12, subject to continued City Boards and Commission consolidation efforts. \(City Manager’s Office\)](#)
3. Annual Reports
  - (a) [Approve the Library Commission’s 2010–2011 Annual Report; and the 2011–2012 Workplan as recommended by staff, subject to continued City Boards and Commission consolidation efforts. \(City Manager’s Office\)](#)

**H. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals

2. [Direct the City Attorney and the City Manager to:](#)
  - a. Evaluate the various means by which the City can ensure that basic vacation, sick leave and holiday benefits are provided to contract employees, and report back to Council on the range of available options. As part of this analysis, staff should evaluate the possibility of adding criteria to our Request for Proposal (RFP) process that would award points based on the level of leave benefits a given proposer provides to employees.
  - b. With the assistance of the City's Human Resources staff, attempt to determine industry norms for provision of vacation, sick leave and holiday benefits that may be suitable as minimum standards for City contractors.  
(Councilmember Rocha)  
*[Referred to the Rules Committee from the December 13, 2011 City Council meeting, Item 3.5]*
3. [Approve the recommendation to support the California Disclosure Act](#)  
(Councilmembers Chu and Kalra)
4. [Approve Council District 4 2012 Thank You Volunteer Event as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event, and forward to the City Council for formal action on January 10, 2012.](#) (City Clerk)
5. [Approve the Ignite Your Future: Free Business Start-Up Seminar and Resource Fair Event as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event, and forward to the City Council for formal action on January 10, 2012.](#) (City Clerk)
- \*6. [Adopt a resolution giving notice of the City's intention to terminate its contract with CalPERS and direct staff to deliver this resolution to CalPERS; direct the City Attorney to present findings of the report to the City Council at the next City Council meeting, at which time, the City Council may choose to adopt an ordinance or resolution terminating its contract with CalPERS.](#) (Councilmember Constant)
- \*7. [Direct the Administration to begin the meet and confer process with the union to include the utilization of volunteers to help augment the daily workload needed to operate City libraries.](#) (Councilmember Oliverio)  
[Memo from Councilmember Rocha](#)

**I. 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

**J. Open Government**

1. Appeals of Public Records Act Request

**K. 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.*

**L. 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 [Hhttp://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 [Hhttp://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/Rules.asp](http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/Rules.asp)**

## **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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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.