

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, SUCCESSOR AGENCY
MANAGING DIRECTOR

AGENDA

2:00 P.M.

May 30, 2012

Wing 118-120

A. City Council (City Clerk)

1. Review June 5, 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 June 12, 2012 Draft 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)

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

1. State – Verbal Report. (City Manager)
2. Federal

D. Meeting Schedules

1. [Approve the cancellation of the June 26, 2012 City Council meeting.](#) (City Clerk)
2. [Approve the Council Meeting Schedule and Study Session Schedule for August – December 2012.](#) (City Manager)

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
 - a. [Approve the re-appointments of Richard Holden and Jessica Zenk to the Arts Commission to full terms ending June 30, 2015.](#) (Councilmember Liccardo)
 - b. [Approve the appointments of Peter Allen and Tina Morrill to the Arts Commission to full terms ending on June 30, 2015.](#) (Councilmember Liccardo)

- c. [Approve the re-appointment of Karl Vidt to the Disability Advisory Commission to a full term ending June 30, 2015.](#) (Councilmember Pyle)
- d. [Approve the appointments of Emma Elijas and Earl Mizuguchi to the Disability Advisory Commission to full terms ending June 30, 2015.](#) (Councilmember Pyle)
- e. [Approve the appointment of Sam Pandy to the Housing and Community Development Commission to an unexpired term ending December 31, 2014.](#) (Vice- Mayor Nguyen)
- f. [Approve the appointment of Abraham Thompson to the Human Rights Commission to an un-expired term ending December 31, 2012.](#) (Councilmember Chu)
- g. [Approve the re-appointment of Robert Levy to the Parks and Recreation Commission to a full term ending on June 30, 2015.](#) (Councilmember Pyle)
- h. [Approve the appointments of Rudy Flores and Brian Quint to the Parks and Recreation Commission to full terms ending on June 30, 2015.](#) (Councilmember Pyle)
- i. [Approve the appointment of Arash Shokoubakhsh to the Small Business Development Commission to an un-expired term ending on December 31, 2014.](#) (Councilmember Chu)
- j. [Approve the appointment of Darrold Wagner to the Traffic Appeals Commission to a full term ending on June 30, 2015.](#) (Vice-Mayor Nguyen)
- k. [Approve the re-appointment of Patrick Hall, Judith \(Marie\) Hayter, and Joyce Rabourn to the Senior Citizens Commission to full terms ending June 30, 2015.](#)

2. Workplans
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
2. [Discuss Prevailing Wages – Liquidated Damages Reduction Request](#) (City Attorney)
 - a. Determine if the matter should be forwarded to the City Council for further review so that the City Council can:
 - i. Discuss more fully the implication and parameters of a mechanism for reducing and/or waiving liquidated damages; and
 - ii. Provide appropriate direction to city Staff regarding modifying of the liquidated damages requirement of Resolution No. 71584.
(Deferred from the May 23, 2012 Rules meeting)
3. [Approve staff's recommendation for AB 1939 \(Pan\) – Dog Licensing: Issuance: Puppy Licensing and place on the City Council Agenda for June 5, 2012 for formal action.](#) (City Manager)

4. [Accept the status report on potential amendments to various provisions of Title 16 of the San Jose Municipal Code.](#) (City Manager)
5. [Agendize the adoption of a resolution demonstrating San Jose's support of marriage equality for all residents.](#) (Councilmembers Kalra, Rocha, and Chu)
[Memo from Councilmember Campos](#)
[Memo from Councilmember Liccardo](#)

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**

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 2nd 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://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.