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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, SUCCESSOR AGENCY**  
**MANAGING DIRECTOR**

### **AGENDA**

2:00 P.M.

August 1, 2012

Wing 118-120

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

1. Review August 7, 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 August 14, 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**

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

**F. Boards, Commissions and Committees**

1. Appointments
  - a. [Approve the appointments of Doug Feece, as an At-Large Representative, and Kelly Hattley, as a Private Off-Street Parking Facility Representative, to the Downtown Parking Board. \(Councilmember Liccardo\)](#)
  - b. [Approve the appointments of Darren Wallace as the representative nominated by the San Jose Firefighters, Local 230 \(IAFF\) and Dave Woolsey as the representative nominated by the San Jose Police Officers Association \(SJPOA\) to the Deferred Compensation advisory Committee for the remainder of the four-year terms ending on March 1, 2013 as a result of two seats being currently vacant. \(City Manager/Human Resources\)](#)

2. Workplans
  - a. [Approve the City Auditor's Fiscal Year 2012-2013 Work Plan.](#) (City Auditor)
  - b. [Approve the Airport Commission Work Plan for FY 2012-13 recommended by staff; and The Annual Report for FY 2011-12 Commission Work Plan.](#) (City Manager/Airport)
  - c. [Approve the Advisory Commission on Rents \(ACR\) FY 2012-13 Work Plan.](#) (City Manager/Housing)

3. Annual Reports

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

1. Workload Assessment for Council Requests and Referrals
2. [Approve the Elections Commission referral for review:](#)
  - a. Consider the removal of the disclosure of electioneering communications on all campaign related signs, buttons, and garments; and
  - b. Review and update various provisions of Chapter 12.06.1000 of the Municipal Code relating to Electioneering Communications. (Councilmember Chu)  
(*Deferred from June 13, 2012 Rules Agenda*)
3. [Place the following item on the August 7, 2012 City Council Agenda:](#)  
[Memo from Mayor Reed](#)
  - a. Council discussion and consideration of a Charter amendment to require financial support for the San José Library Department on the November 2012 ballot.
    1. If the Council wishes to proceed, adoption of a resolution of the City Council calling on its own motion for an election to be held on November 6, 2012.
    2. Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2012 Voter's Sample Ballot, pursuant to Elections Code Section 9285.
    3. Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2012 Voter's Sample Ballot, pursuant to Elections Code Section 9282.
  - b. In preparing the ballot question to be approved for the November 2012 ballot measure, City staff should meet with Save San Jose Libraries proponents to discuss potential changes to the Charter amendment language. (Councilmembers Chu, Kalra, and Campos)
4. [Agendize the following for the August 7, 2012 City Council meeting:](#)  
[Memo from Mayor Reed and Councilmember Herrera](#)
  - a. Amend Ordinance No. 28178 to extend the pilot program for the Neighborhoods Commission to June 30, 2013; and
  - b. Direct the City Clerk to complete the Boards and Commission Structural Improvement Report by December 1, 2012. (Mayor Reed, Vice-Mayor Nguyen, and Councilmember Herrera)
5. [Adopt a resolution in support of freeway directional signage on US 101 and Interstate 280 directing commuters to Little Saigon Business District on Story Rd.](#) (Councilmember Chu)  
[Letter from Director Han Larsen – Department of Transportation](#)

6. [Direct the City Manager or designee to negotiate and execute a Joint Use Park Agreement](#) with the Santa Clara Unified School District on the Agnews East site in North San Jose, and place the item on the August 7, 2012 City Council Agenda for action. (Mayor Reed and Councilmember Chu)
7. [Approve the proposed designation of Councilmember Pete Constant, as the alternate voting delegate](#) at the September 7, 2012 Annual Business meeting for the League of California Cities (LOCC). A one-week turnaround to Council is requested so that the full Council may act on this request for this designation to be submitted to the LOCC. (City Manager)
8. [Refer the review of the proposed revisions to Council Policy #1-17 Donations, Sponsorship, and Fundraising](#) to the full Council for consideration. (City Manager)
9. [Approve the San Jose Jazz Festival Flag Raising as a City Council-Sponsored Special Event](#), approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event, and place the item on the August 7, 2012 Council Agenda for action. (City Clerk)
10. [Approve National Night Out as a City Council-Sponsored Special Event, approve and accept donations](#) from various individuals, businesses, or community groups to support the event, and place the item on the August 7, 2012 Council Agenda for action. (City Clerk)
11. [Approve the District 8 Day In The Park as a City Council-Sponsored Special Event, approve and accept donations](#) from various individuals, businesses, or community groups to support the event, and place the item on the August 7, 2012 Council Agenda for action. (City Clerk)
12. [Accept the report on posting of public calendars by City Officials on the City's website](#). (City Manager)

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
  - a. [Approve the Community and Economic Development Committee Workplan for the period August through December 2012](#) and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Herrera)
2. Neighborhood Services and Education Committee
  - a. [Approve the Neighborhood Services and Education Committee Workplan for the period August through December 2012](#) and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Pyle)
3. Transportation and Environment Committee
  - a. [Approve the Transportation and Environment Committee Workplan for the period August through December 2012](#) and setting its meeting schedule on the first Monday of each month (except as noted for special meetings) at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Liccardo)

4. Public Safety, Finance and Strategic Support Committee
  - a. [Approve the Public Safety, Finance and Strategic Support Committee Workplan for the period August through December 2012 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers, or as noticed.](#) (Mayor Reed and Councilmember Constant)
  - b. [Approve the addition of items to the Public Safety, Finance and Strategic Support Committee Workplan.](#) (Mayor Reed and Councilmember Herrera)
5. Rules and Open Government Committee
  - a. [Approve the Rules and Open Government Committee Workplan for the period August through December 2012 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the city Hall Wing Committee Meeting rooms 118-120.](#) (Mayor Reed)

**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 [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.