



**MINUTES OF THE
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 3, 2014

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Chuck Reed, Vice-Mayor Madison Nguyen, and Councilmember Pierluigi Oliverio.

ABSENT: Councilmember Pete Constant.

STAFF: City Manager Ed Shikada, Chief Deputy City Attorney Danielle Kenealey, City Clerk Toni Taber, Assistant City Clerk Tom Graves, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) **Review September 9, 2014 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)

Documents Filed: Memorandum from Councilmember Xavier Campos to the Rules and Open Government Committee, dated September 2, 2014, entitled "Review September 9, 2014 Agenda."

Public Comment: Martha O'Connell spoke in support of Councilmember Campos' recommendation to add an item to the Priority Setting Session.

David Wall offered comments on Items 2.20, 2.28, and 3.5.

Action: Upon motion by Councilmember Oliverio, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda. (3-0-1. Absent: Constant.)

Committee discussion ensued on the Memorandum from Councilmember Campos. No action was taken and the item was referred to staff to be added to subsequent priority setting session lists.

CITY COUNCIL (CITY CLERK)

- (2) **Review September 16, 2014 Draft Agenda**
- a. Add New Items to Draft Agenda
 - b. Assign “Time Certain” to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall opined on Item 2.10.

Action: Upon motion by Councilmember Oliverio, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Item 8.1 deferred to the 9/23/14 agenda. (3-0-1. Absent: Constant.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

MEETING SCHEDULE

- (1) Adopt the proposed 2014-2015/2015-2016 City Budget Calendar; and the detailed schedule for City Council Budget Study Sessions on the 2015-2016 Operating Budget, 2015-2016 Capital Budget, 2016-2020 City Capital Improvement Program and 2015-2016 Fees and Charges Report. (City Manager)

Documents Filed: Memorandum from Deputy City Manager/Budget Director Jennifer Maguire to the Rules and Open Government Committee, dated August 27, 2014, entitled “2014-2015/2015-2016 City Budget Calendar and Budget Study Session Schedule.”

Deputy City Manager Jennifer Maguire provided background information.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio, and carried unanimously, the Committee adopted the proposed 2014-2015/2015/2016 City Budget Calendar and Budget Study Session Schedule. (3-0-1. Absent: Constant.)

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of August 22 – 28, 2014.

Public Comment:

Martha O'Connell pulled Item (5) and spoke in support of AB2171.

David Wall pulled Items (6) and (9) and offered various comments.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the public record was noted and filed. (3-0-1. Absent: Constant.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.

Items (2) – (3) were heard together.

(2) District 1 Candidate Forum. (Constant)

- a. Approve the District 1 Candidate Forum scheduled on Saturday, October 11, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the September 9, 2014 City Council Agenda for action.

Documents Filed: Memorandum from Councilmember Constant, dated August 25, 2014, entitled "Approval of the District Candidate Forum Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

(3) Day in the Park Festival. (Herrera)

- a. Approve the Day in the Park Festival scheduled on October 11, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the September 9, 2014 City Council Agenda for action.

**RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS
(CONT'D)**

- (3) Documents Filed: Memorandum from Councilmember Herrera, dated August 22, 2014, entitled "Approval of Day in the Park Sponsored by Council District 8 as a City Council Sponsored Special Event, to Expend City Funds and Accept Donations of Materials and Services for the Event."

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the recommendations for Items (2) – (3) were approved and placed on the September 9, 2014 City Council agenda for action. (3-0-1. Absent: Constant.)

- (4) **Resolution in Support of an Amendment to the United States Constitution. (Kalra)**
Forward item for full Council discussion to adopt a resolution calling for an amendment to the Constitution of the United States regarding Citizens United.

Documents Filed: Memorandum from Councilmember Kalra, dated August 28, 2014, entitled "Resolution in Support of an Amendment to the United States Constitution."

Public Comment: Brian Carr and John Fioretta spoke in support of the recommendation. John Fioretta spoke in support of the recommendation.

David Wall and Martha O'Connell spoke in support of the recommendation and offered additional entities that should be covered in the resolution.

Committee Discussion ensued.

Action: Vice Mayor Nguyen moved to refer the item to Council for further discussion. There was no second. Motion failed. No action taken

Roseryn Bhudsabourg, Staff member from Council District 2, offered additional comments.

- (5) **SB 556 (PADILLA / CORBETT) – Providers of Health and Safety Labor or Services; Identification (City Manager)**
- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position to oppose.
 - b. Recommend a one-week turnaround to the City Council on September 9, 2014 so that the City's legislative representative can continue to advocate the City's position on SB 556.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated August 28, 2014, entitled "SB 556 (PADILLA / CORBETT) – Providers of Health and Safety Labor or Services; Identification."

Director of Intergovernmental Relations Betsy Shotwell provided background and answered questions from the Committee.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS (CONT'D)

- (5) Public Comment: David Wall offered comment on SB 556.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and an oppose position was re-affirmed and placed on the September 9, 2014 City Council agenda for action. (3-0-1. Absent: Constant.)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Documents Filed: 1) Letter from the United Veterans Council of Santa Clara County to the Mayor, regarding the flying of the POW/MIA flag; 2) Letter from Martha O'Connell to the Mayor and City Council, dated September 3, 2014, regarding Nexus Studies and Supplemental; 3) Letter from Building Industry Association to Director of Housing Leslye Corsiglia dated August 20, 2014, regarding Keyser Marston Associates June 2014 Residential Nexus Analysis Questions & Request for Additional Information.

Richard McCoy read parts of a letter in to the record from the United Veterans Council of Santa Clara County requesting the POW/MIA be flown every day. Mayor Reed referred the item to staff.


Martha O'Connell submitted a letter for the record and offered comments regarding the quantity of reading required to review the Nexus Studies documents.

Mayor Reed referenced a letter received from the Building Industry Association regarding the Nexus Study and provided a copy of the letter to the City Clerk's Office for the record.

David Wall voiced opinions on fuel cells at the Water Pollution Control Plant.

ADJOURNMENT

The meeting adjourned at 2:44 p.m.



Mayor Chuck Reed
Rules and Open Government Committee

CR:slg