

**MINUTES OF THE
JOINT MEETING OF THE RULES AND OPEN GOVERNMENT COMMITTEE AND
COMMITTEE OF THE WHOLE**

SAN JOSÉ, CALIFORNIA

WEDNESDAY, MAY 14, 2025

The Committee meeting was held in the Council Chambers, and convened at 2:00 p.m.

Present: Councilmembers - Cohen, Kamei, Foley, Doan, Candelas.

Absent: Councilmembers - None.

Staff: Assistant City Manager, Lee Wilcox; Assistant City Clerk, Joy Rodriguez; Assistant City Attorney, Kevin Fisher; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Daniel Aguilar.

A. City Council (City Clerk)

1. Review May 20, 2025 Final Agenda

- a) Add New Items to Final Agenda
- b) Assign "Time Certain" to Agenda Items (if needed)
- c) Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Committee approved the final agenda for the City Council meeting on May 20, 2025; with Items 10.1 and 10.2 to *not* be heard before 1:30 p.m. (5-0-0)

2. Review May 27, 2025 Draft Agenda – Meeting Cancelled.

B. Consent Calendar

Public Comment: Blair Beekman provided public comment regarding the Consent Calendar.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Consent Calendar was approved as a whole. The below actions were taken as indicated. (5-0-0)

1. The Public Record for May 1, 2025 - May 8, 2025. (City Clerk)

The Public Record for May 1, 2025 - May 8, 2025, was received and filed.

2. Update to the January - June 2025 Public Safety, Finance and Strategic Support Committee Work Plan. (City Manager)

The amendment to the January – June 2025 Public Safety, Finance and Strategic Support (PSFSS) Committee Work Plan, was approved, to drop the following item scheduled for the June 12, 2025, PSFSS Committee meeting: Recruitment, Hiring, and Retention Strategies Annual Status Report. .

3. Approval of Eritrean Flag Raising Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mulcahy)

The Eritrean Flag Raising scheduled on May 19, 2025 was approved for placement on the May 20, 2025 City Council Agenda for action.

C. Rules Committee Reviews, Recommendations and Approvals

1. Pay for Performance. (Mayor and Foley)

1. Direct the City Attorney to draft an ordinance which will require 5% of the Mayor's and all Councilmembers' salaries to be withheld on an annual basis, and subsequently disburse the 5% back to the Mayor and Councilmembers in a manner proportional to the achievement of predetermined objective performance metrics related to the City Council Focus Area Scorecards and Dashboards. The specific performance targets chosen for the coming fiscal year will be developed throughout the budget process-by modifying or replacing the current year's Focus Area Scorecard performance metrics--and finalized by City Council through the adoption of the June Budget Message. Should the Mayor's and Councilmembers' collective performance fall below 100% of the Council-adopted targets, the withheld 5% of their salaries will be proportionately reduced based on the actual achievement of the prioritized targets. The Salary Setting Commission's duties to set base compensation and CPI COLA under City Charter 407 (a) and (c) remain unimpacted by this ordinance and continue to be based on the full base salary for the Mayor and Councilmembers. Any one-time reductions related to actual performance, are not intended to be cumulative. The City Attorney is directed to return to Council with the ordinance by June 2025, concurrent with the June 2025 budget vote.

2. Direct the City Clerk to agendize one annual City Council Pay for Performance public hearing, starting in Fall 2026 and continuing every Fall thereafter, to assess performance on the previous year's targets and determine the disbursement of the withheld 5%.

3. Given the new approach outlined in the two recommendations above, direct the City Attorney and the City Manager to disregard the previous Pay for Performance Direction provided in the FY2025-2026 March Budget Message related to amending the City Charter.

Public Comment: Blair Beekman provided public comment.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Bien Doan, the City Attorney was (a) directed to draft an ordinance which will require 5% of the Mayor's and all Councilmembers' salaries to be withheld on an annual basis, and subsequently disburse the 5% back to the Mayor and Councilmembers in a manner proportional to the achievement of predetermined objective performance metrics related to the City Council Focus Area Scorecards and Dashboards; (b) the City Clerk was directed to agendize one annual City Council Pay for Performance public hearing, starting in Fall 2026 and continuing every Fall thereafter, to assess performance on the previous year's targets and determine the disbursement of the withheld 5%; and (c) the City Attorney and the City Manager were directed to disregard the previous Pay for Performance Direction provided in the FY2025-2026 March Budget Message related to amending the City Charter. (3-2-0; Noes: Cohen, Candelas)

D. Open Forum

1. Blair Beekman suggested pay cuts for elected officials, defunding the police, the future of accountability for technology, and the future of the Berryessa Flea Market.
2. James spoke to the reoccurring discussions at City Council meetings, funding for homelessness, and the importance of protections and rights for the unhoused.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:24 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 3

Attest by:

Toni J. Taber, MMC
City Clerk, City of San José