

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

SAN JOSÉ, CALIFORNIA

WEDNESDAY, OCTOBER 2, 2024

The Committee meeting was held in the Council Chambers. The meeting convened at 2:02 p.m.

Present Councilmembers: - Cohen, Foley, Jimenez, Davis.

Absent Councilmembers: - Kamei.

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

A. City Council (City Clerk)

1. Review October 8, 2024 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: Blair Beekman provided public comment.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the final agenda for the City Council meeting on October 8, 2024, including the add sheet. (4-0-1; Absent: Kamei)

2. Review October 8, 2024 Draft Agenda- *Meeting Cancelled.*

B. Consent Calendar

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

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved as a whole, with the below actions taken as indicated. (4-0-1; Absent: Kamei)

1. The Public Record for September 19 – September 26, 2024 (City Clerk)

The Public Record for September 19 – September 26, 2024, was received and filed.

2. Retroactive Approval of the Lowrider and El Grito Events Sponsored by Council District 3 and Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Torres and Ortiz)

The Lowrider and El Grito Events sponsored by Council District 3 and Council District 5 were retroactively approved for placement on the October 8, 2024 Council Agenda for action.

C. Rules Committee Reviews, Recommendations and Approvals

1. Ordinance Amendment for Sale or Use of Algorithmic Devices for Residential Dwelling Units. (Ortiz, Torres, and Cohen)

1. Consider an ordinance prohibiting the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units in San José.
2. Add the draft ordinance of the City Council of the City of San José amending San José Municipal Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San José to the City Council. [Deferred from 9/4/2024 - Item C.2 (ROGC 24-682)] RECOMMEND DEFERRAL TO 10/9/2024 PER ADMINISTRATION

Councilmember David Cohen addressed the joint memorandum he co-authored with Councilmember Peter Ortiz, and Councilmember Omar Torres, dated, August 29, 2024; and urged that this item be deferred for further discussion and public comment.

Public Comment: Blair Beekman provided public comment.

Erik Solivan, Director, Housing Department; and Kevin Fisher, Assistant City Attorney, City Attorney's Office, responded to questions from the Committee.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember David Cohen, and carried unanimously, Item C.1 was *deferred to 3 weeks, to the October 23, 2025* Rules and Open Government Committee meeting, with direction for the City Attorney's Office to provide a workload analysis pertaining to recommendation 2 of the memorandum, regarding the ordinance. (4-0-1; Absent: Kamei)

2. Recommendation from the Board of Fair Campaign and Political Practices. (City Clerk)

Discussion and possible action on the recommendation from the Board of Fair Campaign and Political Practices regarding independent committee disclosures.

Tom Pavel, Vice Chair, Board of Fair Campaign and Political Practices (BFCPP), spoke to the context of the memorandum, dated September 12, 2024, to the Rules and Open Government Committee for their consideration and possible action.

Public Comment: Blair Beekman provided public testimony regarding the item.

Kevin Fisher, Assistant City Attorney, City Attorney's Office, offered a point of clarification regarding the motion.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the City Attorney's Office was directed to work in coordination with the City Clerk's Office and the BFCPP, to provide a workload analysis regarding the legal implications that may result; and return to Rules and Open Government Committee, post November election, in the spring/summer of 2025, as part of the BFCPP bi-annual report. (4-0-1; Absent: Kamei)

3. Publishing Public Safety Data by Council District. (Batra)

Direct the City Manager to:

1. At the October Public Safety, Finance and Strategic Support Committee meeting, present a plan and timeline for the monthly publishing of crime statistics by City Council district.
 - a. These statistics could include but not be limited to the same statistics currently published on the San José Police Department's website.
 - b. Modify the Public Safety, Finance, and Strategic Support Work Plan for the period of August through December 2024 to incorporate this recommendation.

Councilmember Arjun Batra spoke to his memorandum, dated, September 26, 2024.

Public Comment: Blair Beekman provided public testimony regarding the item.

Assistant City Manager, Lee Wilcox, City Manager's Office, responded to Council questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Committee moved approval of the staff recommendation to direct the City Manager to:

1. Present a plan and timeline for the monthly publishing of crime statistics by City Council district at the October Public Safety, Finance and Strategic Support (PSFSS) Committee meeting;
 - a. These statistics could include, but not be limited to the same statistics currently published on the San José Police Department's website; and
 - b.) Modify the PSFSS Work Plan for the period of August through December 2024 to incorporate this recommendation. (4-0-1; Absent: Kamei)

4. Proposed Revisions to Council Expenditure Policy 0-38. (City Clerk)

Refer to the City Council for the October 8, 2024 Council agenda to approve revisions to City Council Policy 0-38, City Council Expenditure and Reimbursement Policy, to provide updates for clarification and language consistency; to provide substantive updates to sections entitled Admission to Events, Training and Professional Development (formerly Membership Dues), Employee Recognition, and Unauthorized Expenditure of Public Funds; and to reorganize information for grants, monetary contributions, and in-kind contributions.

Toni Taber, City Clerk, City Clerk's Department, spoke to the information and recommendations provided in her memorandum, dated, September 26, 2024.

Public Comment: Blair Beekman provided public testimony regarding the item.

Kevin Fisher, Assistant City Attorney, City Attorney's Office, offered a point of clarification, regarding the Sunshine Waiver.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, the Committee referred this item *with the Sunshine Waiver*, to the October 8, 2024 City Council agenda on the *Consent Calendar*, for approval of the revisions to City Council Policy 0-38, City Council Expenditure and Reimbursement Policy, to provide updates for clarification and language consistency; to provide substantive updates to sections entitled Admission to Events, Training and Professional Development (formerly Membership Dues), Employee Recognition, and Unauthorized Expenditure of Public Funds; and to reorganize information for grants, monetary contributions, and in-kind contributions. (4-0-1; Absent: Kamei)

D. Open Forum

1. Blair Beekman spoke to his concerns with the wars in Israel and Ukraine, and accountability at the local level to work towards peace and not war.
2. James Campbell addressed his concerns with the difficulties accessing agendas and the lack of community engagement.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 3:12 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: 7

Attest By:



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