



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

SAN JOSE, CALIFORNIA

WEDNESDAY, MAY 10, 2023

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and teleconferenced from remote locations. The meeting convened at 2:02 p.m.

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

Absent: Councilmembers - All Present.

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager’s Office, Rachele Blattman; and Deputy City Clerk, Grace Turner.

A. City Council (City Clerk)

1. Review May 16, 2023 Final Agenda

- a) Add new items to Final Agenda
- b) Assign “Time Certain” to Agenda Items (if needed)
- c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: Paul Soto and Blair Beekman offered public comments.

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 May 16, 2023. (5-0-0.)

2. Review May 23, 2023 Draft Agenda

- a) Add new items to Draft Agenda
- b) Assign “Time Certain” to Agenda Items (if needed)
- c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: Blair Beekman and Paul Soto offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on May 23, 2023, with the evening session cancelled. (5-0-0.)

B. Consent Calendar

Public Comments: Paul Soto, Blair Beekman, and Martha O’Connell offered public comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved as a whole. (5-0-0.)

1. The Public Record for April 27 – May 4, 2023. (City Clerk)

The Public Record for April 26 – May 4, 2023 was noted and filed.

2. Update to the January - June 2023 Community and Economic Development Committee Work Plan. (City Manager)

An amendment to the January - June 2023 Community and Economic Development (CED) Committee Work Plan was approved to drop the following item from the June 26, 2023 CED Committee meeting: City Roadmap: Soft-Story Building Earthquake Retrofit Policy Status Report.

3. Monthly Report of Activities for April 2023. (City Auditor)

The Auditor’s Office Monthly Report of Activities for the month of April 2023 was approved.

4. Request to Travel and Excused Absence. (Davis)

Travel for Councilmember Davis to attend the Reimagining the Civic Commons event in Macon, Georgia from April 10 - 13, 2023, was retroactively approved.

5. Approval of Almaden Valley Dumpster Day and Azerbaijan Flag Raising Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Batra)

The Almaden Valley Dumpster Day event scheduled on May 13, 2023, and the Azerbaijan Flag Raising event scheduled on May 22, 2023, sponsored by Council District 10, were approved for placement on the May 16, 2023 City Council agenda.

6. Approval of Dumpster Day Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley)

The Dumpster Day event scheduled on May 20, 2023, sponsored by Council District 9, was approved for placement on the May 23, 2023 City Council agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Board of Fair Campaign and Political Practices Recommended Revisions to the City's Ethics and Open Government Provisions Under Title 12 of the San José Municipal and Resolution No. 79187 Governing the Board's Regulations and Procedures. (City Attorney)

City Attorney Nora Frimann introduced the staff recommendations brought forward by the Board of Fair Campaign and Political Practices and responded to questions with Board member Tom Pavel and City Auditor Joe Rois.

Public Comments: Blair Beekman, Paul Soto, Kyra Kazantzis (Silicon Valley Council of Nonprofits), and Jeffrey Buchanan offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, the Committee unanimously moved to add the proposed ordinance and revisions recommended by the Board of Fair Campaign and Political Practices to the City's Ethics and Open Government Provisions under Title 12 and the Resolution No. 79187 Governing the Board's Regulations and Procedures to the May 23, 2023 City Council Meeting agenda. (5-0-0.)

2. Proposed Ordinance to Amend Title 12 of the San José Municipal Code. (City Attorney)

City Attorney Nora Frimann introduced the staff recommendations.

Public Comments: Blair Beekman, Jeffrey Buchanan, Paul Soto, and Martha O'Connell, offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Committee moved to add the proposed ordinance to amend Sections 12.06.030 and 12.10.030 of Title 12 of the San José Municipal Code to redefine "candidate" and to prohibit service with an independent expenditure committee under the revolving door policy on the May 23, 2023 City Council Meeting agenda. (5-0-0.)

D. Open Forum

1. Blair Beekman offered commentary on mixed income ideas, dumpster days and the Brown Act regarding public comments.
2. Paul Soto spoke on violent treatment of Mexican Americans in San José history and a lack of conversation on Mexican heritage.
3. Martha O'Connell spoke on public comments made on Councilmembers' race and ethnicity.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 3:06 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT- Grace Turner

Grace Turner
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 5

Attest By:

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