

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

SAN JOSÉ, CALIFORNIA

WEDNESDAY, JANUARY 10, 2024

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and remote locations. The meeting convened at 2:00 p.m.

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

Absent: Councilmembers - All present.

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

A. City Council (City Clerk)

1. Review Final Agenda

January 16, 2024 meeting - **CANCELLED.**

2. Review Draft Agenda

Review January 23, 2024 Draft Agenda

a. Add New Items to Draft 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 Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on January 23, 2024. (5-0-0)

B. Consent Calendar

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, 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 December 14, 2023 - January 4, 2024 (City Clerk)

Receive and file the Public Record for December 14, 2023 – January 4, 2024.

Action: The public record for December 14, 2023 - January 4, 2024 was received and filed.

2. Review Draft Study Session Agenda. (City Manager)

Review January 23, 2024 Study Session: Fees and Charges Program, and the 2024-2025 Preliminary General Fund Forecast Agenda.

Action: The Draft Agenda for the January 23, 2024 Study Session was reviewed

3. Update to the January - June 2024 Neighborhood Services and Education Committee Work Plan. (Parks, Recreation and Neighborhood Services)

Approve an amendment to the January – June 2024 Neighborhood Services and Education (NSE) Committee Work Plan to drop the following item from the January 11, 2024 NSE Committee meeting agenda:

Urban Confluence Status Report.

Purpose: Provide a status report on the Urban Confluence, including community outreach and next steps. (Parks, Recreation and Neighborhood Services).

Action: The amendment to the January – June 2024 Neighborhood Services and Education (NSE) Committee Work Plan to drop the Urban Confluence Status Report Item from the January 11, 2024 NSE Committee meeting agenda was approved.

C. Rules Committee Reviews, Recommendations and Approvals

1. Council Policy 0-12 Requests for Policy Analysis (Council Referrals). (City Manager)

1. Adjust Rules and Open Government (Rules) Committee processes to comply with City Council Policy 0-12 Requests for Policy Analysis (Council Referrals) as follows:
 - a. The Council Referral initiator submits the Council Referral for placement on the next available Rules Committee agenda;
 - b. At the Rules Committee meeting, the Committee decides whether to Drop, Defer, or request staff complete a Workload Analysis (now referred to as an Early Consideration Response Form) for each Council Referral that provides a workload assessment;
 - c. If the Rules Committee requests an Early Consideration Response Form, staff will generally have two weeks, but may request additional time, to complete their analysis and return to the Rules Committee for discussion;
 - d. The Rules Committee then considers the Early Consideration Response Form and acts to Drop, Defer, or recommend the Council Referral to the full City Council for final approval;
 - e. Once the full City Council acts, the Council Referral is or is not issued to staff.
2. Direct the City Manager's Office to return to City Council with an updated version of Council Policy 0-12 in spring 2024, an implementation plan for annual reports on Council Referral

statuses, and a recommendation to drop referrals that are no longer aligned with existing City Council priorities.

Lee Wilcox, Assistant City Manager, introduced the item.

Sarah Zárate, Director, City Manager's Office, responded to questions from the committee.

Public Comment: Jeffrey Buchanan (Working Partnerships USA) provided public testimony regarding the item.

Motion: Councilmember Pam Foley moved approval of Council Policy 0-12 requests for Policy Analysis. The motion was seconded by Councilmember Dev Davis.

Friendly Amendment: Councilmember David Cohen requested the following amendments to the Staff memorandum: (1) add "or move forward to Council without analysis." to the end of recommendation 1b.; (2) revise the language "drop referrals that are no longer aligned with existing City Council priorities" to include "drop referrals that should no longer be pursued by staff" to the end of recommendation #2; and (3) change the terminology from "Early Consideration Response Form" to "*Workload Analysis*" in recommendation 1c. The friendly amendment was accepted by the maker of the motion.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, Council Policy 0-12 requests for Policy Analysis were approved, with the following amendments. (5-0-0)

1. Adjust Rules and Open Government (Rules) Committee processes to comply with City Council Policy 0-12 Requests for Policy Analysis (Council Referrals) as follows:

- a. The Council Referral initiator submits the Council Referral for placement on the next available Rules Committee agenda;
- b. At the Rules Committee meeting, the Committee decides whether to Drop, Defer, or request staff complete a Workload Analysis (now referred to as an Early Consideration Response Form) for each Council Referral that provides a workload assessment, *or move forward to Council without analysis*.
- c. If the Rules Committee requests ~~an Early Consideration Response Form~~ a *Workload Analysis*, staff will generally have two weeks, but may request additional time, to complete their analysis and return to the Rules Committee for discussion;
- d. The Rules Committee then considers the Early Consideration Response Form and acts to Drop, Defer, or recommend the Council Referral to the full City Council for final approval;
- e. Once the full City Council acts, the Council Referral is or is not issued to staff.

2. Direct the City Manager's Office to return to City Council with an updated version of Council Policy 0-12 in spring 2024, an implementation plan for annual reports on Council Referral statuses, and a recommendation to drop referrals ~~that are no longer aligned with existing City Council priorities~~ that should no longer be pursued by staff.

D. Open Forum

1. Ramona Martinez (*via Spanish interpreter*) discussed concerning work conditions such as the unbearable heat in the workplace that led to a strike, she acknowledged the rights for a safe working environment, and noted that many may be unaware of those rights.
2. Dionicio Cerbacio (*via Spanish interpreter*) highlighted unsafe working conditions for fast food restaurants and everyone's right to know laws regarding their work environments.

E. Adjournment

This meeting was adjourned by Councilmember David Cohen at 2:54 pm.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar,
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 3

Attest By:

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

vv:rulesmin20240110