



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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 27, 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 2:01 p.m.

Present: Councilmembers - Kamei, Davis, Jimenez, 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 October 3, 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: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved the final agenda for the City Council meeting on October 3, 2023, including the Add Sheet. (5-0-0.)

2. Review October 10, 2023 Draft Agenda – Cancelled

No Agenda. Meeting Cancelled.

B. Consent Calendar

Public Comments: None provided.

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

1. The Public Record for September 14 – September 21, 2023. (City Clerk)

The Public Record for September 14 – September 21, 2023, was noted and filed.

2. Approval of Holiday Event Series Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

The Holiday Event Series at Evans Lane Interim Housing scheduled on October 26, 2023, November 17, 2023, and December 14, 2023, sponsored by Council Districts 6, was approved for placement on the October 3, 2023 City Council Agenda.

3. Retroactive Approval and Approval of Various District 8 Events as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Candelas)

The Committee retroactively approved the Creekside Neighborhood Association Dumpster Day scheduled on August 19, 2023, Town Hall with Congressman Panetta scheduled on August 21, 2023, Community Coffee with Supervisor Arenas scheduled on August 25, 2023, Music in the Square scheduled on September 1, 2023, Community Coffee with Assemblymember Kalra scheduled on September 23, 2023, Fire Safety Workshop at the Villages scheduled on September 28, 2023, and Interfaith Breakfast scheduled on September 30, 2023 events and approved the PAWS Vaccine Event scheduled on October 7, 2023, sponsored by Council District 8, for placement on the October 3, 2023 City Council Agenda.

4. Approval of the District 2 Fall Festival as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)

The District 2 Fall Festival scheduled from September 30, 2023, sponsored by Council District 2, and the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle was approved for placement on the October 3, 2023 City Council Agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Creation of a City Council Policy for Uniform Transitions During Changes in Elected Officials. (Doan)

Public Comments: None provided.

Motion: Councilmember Sergio Jimenez moved approval of the memorandum authored by Councilmember Bien Doan, dated September 21, 2023. Councilmember Pam Foley seconded the motion.

Friendly Amendment: Councilmember David Cohen requested an amendment to change the 90-day requirement to instead evaluate the work plan in the next year so the concerns in the memorandum are addressed before the next election transition. The maker of the motion and seconder approved the Friendly Amendment.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Committee heard and forwarded the request and recommendation to the City Council for its consideration on the August 8, 2023 City Council Agenda with an amendment to change the 90-day requirement to instead evaluate the work plan in the next year so the concerns in the memorandum are addressed before the next election transition.

Including acceptance of the memorandum authored by Councilmember Bien Doan, dated September 21, 2023, recommending the following:

Direct the City Manager and City Attorney to study and evaluate the feasibility of a City Council policy for Council consideration which addresses the need for a uniform transition during changes in elected officials. We ask that this work will be completed in 90 days and will include, but not be limited to the following:

1. 1. Mayor and City Council Offices to use City-based accounts for ownership and access credentials for social media, website domain registrations, constituent databases, and software subscriptions, as well as require administrative accounts for the Information Technology Department and/or the City Clerk to administer costs, contracts, and transitions when there is a change in elected officials. Data is not to be shared with any other department or office and must be safeguarded.
2. Consistent with Assembly Bill 1637, provide a general plan for the City to adopt “.gov”, coordinate City ownership of registrations by the City’s Information Technology Department and/or the City Clerk and applying security and privacy standards set per City Council policy.
 - a. Any non-.gov may only continue operation as a pointer to a .gov resource.
 - b. All domains are to be City property and not registered as individual property.
 - c. Administrative privileges and credentials must be administered by the City’s Information Technology Department and/or the City Clerk.
3. City-based social media accounts are to be set as business accounts for the use of the office and should be used as the primary account for constituent communications.
4. Optimize a smooth transition experience for outgoing and incoming elected officials to ensure the residents of San José are always served.
5. Ensure the Clerk’s Office maintains a checklist of all City owned and purchased assets, both digital and physical.
6. Anything else related to the transition of elected officials that staff identifies as applicable.
7. Address and evaluate any potential legal issues.
8. Exemptions should apply for the continued use of previously created and in-use social media accounts, as well as for domains/websites of the current Mayor and Councilmembers until a change in elected official occurs, however login credentials and account ownership should be provided to the appropriate city department.

(5-0-0)

D. Open Forum

1. Blair Beekman spoke on various municipal responses to natural disaster and planning.

D. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:25 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:

Attest By:

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