# City of San José

City of San José
200 East Santa Clara Street
San Jose, CA 95113

## Agenda

# Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

**Committee Members**
**David Cohen, Chair**
**Rosemary Kamei, Vice Chair**
**Pam Foley, Member**
**Bien Doan, Member**
**Domingo Candelas, Member**

**Committee Staff**
**Lee Wilcox, Assistant City Manager**
**Joy Rodriguez, Assistant City Clerk**
**Kevin Fisher, Assistant City Attorney**
**Rachelle Blattman, City Manager's Office**

**Wednesday, September 9, 2026** **2:00 PM** **Hybrid Meeting - Council Chambers and Virtually - https://sanjoseca.zoom.us/j/97550548493**

For live translations in over 50 languages, please go to https://attend.wordly.ai/join/FAYU-7105

**How to observe the Meeting (no public comment):**

1) Cable Channel 24
2) https://www.sanjoseca.gov/news-stories/watch-a-meeting
3) https://www.youtube.com/CityofSanJoseCalifornia

**How to submit written Public Comment for items on the agenda:**

1) By email to city.clerk@sanjoseca.gov by 8:00 a.m. the day of the meeting.

**How to provide spoken Public Comment during the Committee Meeting:**

1) In Person: Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers.
2) By phone (888) 475 4499. Webinar ID: 975 5054 8493. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
a. When prompted to enter your Participant ID, please dial the pound symbol (#); If you would like to raise or lower your hand at any time, please dial * 9. You may dial * 6 to mute/unmute.
3) By online: https://sanjoseca.zoom.us/j/97550548493
a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 16+. Certain functionality may be disabled in older browsers including Internet Explorer. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
c. When the Committee Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
d. When called, please limit your remarks to the time limit allotted.

## A. City Council (City Clerk)

1. Review Final Agenda

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|---|---|
| ROGC 26-309 | Review September 15, 2026 Final Agenda.<br>a. Add New Items to Final Agenda<br>b. Assign "Time Certain" to Agenda Items (if needed)<br>c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed) |
| **Attachments** | Agenda<br>Add Sheet |

2. Review Draft Agenda

| | |
|---|---|
| ROGC 26-310 | Review September 22, 2026 Draft Agenda.<br>a. Add New Items to Draft Agenda<br>b. Assign "Time Certain" to Agenda Items (if needed)<br>c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed) |
| **Attachments** | Agenda |

*Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.*

**B. Consent Calendar**

**1.** ROGC 26-311 — The Public Record for August 27, 2026 - September 3, 2026. (City Clerk)

**Recommendation:** Receive and file the Public Record for August 27, 2026 - September 3, 2026.

**Attachments** The Public Record

**2.** ROGC 26-312 — Monthly Report of Activities for August 2026. (City Auditor)

**Recommendation:** Approve the Auditor's Office Monthly Report of Activities for the month of August 2026.

**Attachments** Memorandum

**3.** ROGC 26-313 — Request to Travel. (Mayor)

**Recommendation:** 1. Authorize travel, accept travel payments to the City of San José, and designate Mayor Mahan as the City representative to attend the Bloomberg Center for Cities at Harvard University convening, "Leading a Government Residents Can See and Trust" funded by The Knight Foundation, from September 28-29, 2026.
2. Excuse Mayor Mahan's absence from the City Council meeting on September 29, 2026, due to authorized City business.
3. Place the item on the September 15, 2026 City Council Agenda for action.

**Attachments** Memorandum from Mayor

**C. Rules Committee Reviews, Recommendations and Approvals**

**1.** ROGC 26-315 Council Transparency and Private Non-Disclosure Agreements. (Ortiz, Campos, Cohen, Candelas, and Casey)

**Recommendation:** Direct the City Manager's Office, in coordination with the City Attorney's Office and the City Clerk's Office, to evaluate and return to the City Council with policy options that would:

1. Prohibit members of the San José City Council from entering into nondisclosure or confidentiality agreements (NDAs) concerning projects, contracts, developments, or other matters subject to City approval, funding, regulation, oversight, or legislative action, including data centers and other large energy-use projects and related infrastructure and agreements.
2. Prohibit persons or entities seeking City action or approvals from conditioning access to project-related information upon a Councilmember signing a nondisclosure or confidentiality agreement.
3. Establish an appropriate City process to review confidential, proprietary, trade secret, or commercially sensitive information from persons or entities seeking City action or approvals without requiring individual Councilmembers to enter into NDAs.

**Attachments** Memorandum from Ortiz, Campos, Cohen, Candelas, and Casey
Letter from the Public

## D. Open Forum

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Committee.*

## E. Adjournment

The Code of Conduct (https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than $500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act for updated forms and information.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1260 as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website.