



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
Sam Liccardo, Chair
Chappie Jones, Vice Chair
Sylvia Arenas, Member
Dev Davis, Member
Johnny Khamis, Member

Committee Staff
Dave Sykes, City Manager
Toni Taber, City Clerk
Richard Doyle, City Attorney
Gloria Schmanek, City Manager's Office
Henry Smith, Mayor's Office
Louis Osemwegie, City Clerk's Office

Wednesday, March 25, 2020

2:00 PM

Wing Rooms W118-W120

One or more Councilmembers may be teleconferencing or otherwise electronically participating from a remote location.

A. City Council (City Clerk)

1. Review Final Agenda

[ROGC](#) Review March 31, 2020 Final Agenda - Cancelled
[20-116](#)

2. Review Draft Agenda

[ROGC](#) Review April 7, 2020 Draft Agenda
[20-117](#)

- 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)

Attachments [Agenda](#)

B. Review of Upcoming Special Meeting Agenda(s)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. The Public Record

[ROGC](#) The Public Record for March 13, 2020 - March 19, 2020. (City Clerk)
[20-118](#)

Recommendation: Receive and file the Public Record for March 13, 2020 to March 19, 2020

Attachments [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
2. Work Plans & Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

1. Consent Calendar

END OF CONSENT

2. [ROGC](#) Paid Sick Leave Ordinance (Esparza, Carrasco, Arenas)
[20-115](#)

Recommendation:

As referred by the Rules and Open Government on March 18, 2020:

(1) Direct City Attorney to return to the City Council on April 7th, 2020 with an ordinance and a companion urgency ordinance to allow employees in San Jose to earn paid sick time to address their personal and family health needs and prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID19) pandemic, under the following conditions:

(a) An ordinance will cover all employees, as provided under Sections 2750.3 and 245.5 of the California Labor Code, who have worked at least two hours within the geographic boundaries of San Jose for an employer.

(b) Building on local ordinances including San Diego, Oakland and San Francisco, the ordinance should require employers to provide workers with one hour of paid sick leave for every 30 hours worked for an employer. Employees should be able to accrue a maximum of 80 hours of paid sick leave [or equal to two weeks' worth of paid sick leave] and should be allowed to begin using paid sick days after no more than 90 calendar days of employment.

(c) Employees should be eligible to use paid sick days when they are ill or injured or for the purpose of receiving medical care, treatment, prevention or diagnosis, as provided under California Labor Code 233(b)(4) but also for children, parents, legal guardians, siblings, grandparents, grandchildren and relationships resulting from adoption and foster care. This should include recovery from physical or psychological injury or disability from sexual assault or domestic violence.

(d) The ordinance should integrate an enforcement mechanism, building off of the City of Oakland's paid sick days ordinance, including protections for workers from retaliation for use of paid sick days under the ordinance.

(e) Any employer with an existing plan that provides paid sick leave equal to or greater than the City's protection should have its program grandfathered and be exempt from the ordinance.

(f) In the event of a public health emergency impacting San Jose, as declared by the US Department of Health and Human Services, State or County public health officials, the ordinance should provide employees additional paid sick time from their employer, in addition to any amount of sick days already accrued. The amount should be equal to number of hours that employee regularly works in a 14 day period, calculated as an average of either the past 12 months of

employment or since being employed by their current employer.

(2) The City Manager should be directed to prepare a budget amendment to extend such paid sick leave protection to City hourly workers, utilizing resources from available budget reserves.

(3) Direct intergovernmental relations and Economic Development staff to work to advocate to state and federal authorities for appropriate subsidies, financing and other financial assistance to small business and micro businesses adapting to these new rules and the impacts of the public health emergency related to the novel coronavirus (COVID-19).

[Rules Committee referral 3/18/20 - Item G.3]

Attachments

[Memorandum](#)

[Memorandum from Mayor](#)

[Memorandum from City Manager, 3/23/2020](#)

[Attachment A](#)

[Letter of Support from Senator Beall](#)

[Letter of Support from Assemblymember Chu](#)

[Letter of Support from Assemblymember Kalra](#)

[Letters from the Public 1 of 3](#)

[Letters from the Public 2 of 3](#)

[Letters from the Public 3 of 3](#)

3. [ROGC](#)
[20-119](#) Cancellation of City Council Committee, Board, and Commission Meetings, with a few Exception, Updates to the January - June 2020 City Council Committee Workplans, and Housing and Community Development Commission Requirement Waiver. (City Manager)

Recommendation:

(a) Ratification of action of the City Manager, acting as Director of the Office of Emergency Services, to order cancellation of City Council Committee, Board, and Commission Meetings, with the exception of the Rules and Open Government Committee, Federated Employees Retirement System Board, Police and Fire Department Retirement Board, Work2Future Board, Planning Commission, and Historic Landmarks Commission from March 19, 2020 through April 30, 2020.

(b) Approve updates to the January - June 2020 City Council Committee Workplans as shown in Attachment A to the staff memorandum.

(c) Approve waiver for the Fiscal Year 2019-2020 requirements of Part 46 of Chapter 4.80, and Chapters 17 and 17.23 of the San José Municipal Code for annual review of the budget for the Housing Trust Fund and for annual review of fees and budgets for the Rent Stabilization Program by the Housing and Community Development Commission.

Attachments [Memorandum](#)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole
6. Smart Cities and Service Improvement Committee

I. Open Government

J. 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 City Council.

K. Adjournment

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.

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.

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