



# 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

Nora Frimann, City Attorney

Gloria Schmanek, City Manager's Office

Henry Smith, Mayor's Office

Ruth Krantz, City Clerk's Office

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Wednesday, November 18, 2020

2:00 PM

Virtual Meeting  
<https://sanjoseca.zoom.us/j/93828586066>

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#### **\* COVID-19 NOTICE \***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council Committee meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

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

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

#### **How to submit written Public Comment:**

- 1) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 9:00 a.m. the day of the meeting.

#### **How to provide spoken Public Comment during the City Council Meeting:**

1) By phone 888 475 4499. 938 2858 6066 Click \*9 to raise a hand to speak. Press \*6 to unmute.  
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

2) By online <https://sanjoseca.zoom.us/j/93828586066>

a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. 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

[ROGC](#)  
[20-539](#)

Review November 24, 2020 Final Agenda - Cancelled

### 2. Review Draft Agenda

[ROGC](#)  
[20-540](#)

Review December 1, 2020 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)

**Attachments** [Agenda](#)

## B. Review of Upcoming Special Meeting Agenda(s)

## C. Legislative Update

### 1. State

### 2. Federal

## D. Meeting Schedules

1. [ROGC  
20-552](#) City Budget Calendar and Budget Study Session Schedule. (City Manager)

**Recommendation:** Approve the proposed 2020-2021/2021-2022 City Budget Calendar as presented in Attachment A of the staff memorandum and the detailed schedule for City Council Budget Study Sessions for the 2021-2022 Operating Budget, 2021-2022 Capital Budget and 2022-2026 City Capital Improvement Program, and 2021-2022 Fees and Charges Report as presented in Attachment B of the staff memorandum.

**Attachments** [Memorandum](#)

#### **E. The Public Record**

- [ROGC  
20-541](#) The Public Record for November 2, 2020 - November 12, 2020. (City Clerk)  
Receive and file the Public Record for November 2, 2020 - November 12, 2020.

**Attachments** [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**

- a. [ROGC  
20-548](#) Approval of the Free Holiday Tree Giveaway Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez)

- Recommendation:**
1. Approve the Free Holiday Tree Giveaway event scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
  2. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  3. Place the item on the December 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Peralez](#)

- b. [ROGC  
20-551](#) Approval of the World AIDS Day Tower and Rotunda Lighting Sponsored by Council District 3 and 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez and Foley)

- Recommendation:**
1. Approve the World AIDS Day Tower and Rotunda Lighting event scheduled on November 30 - December 6, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
  2. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  3. Place the item on the December 8, 2020 Council Agenda for action.

**Attachments** [Memorandum from Peralez and Foley](#)

END OF CONSENT

2. [ROGC](#) Campaign Finance Regulations. (Jimenez)  
[20-579](#)

**Recommendation:**

1. Direct staff to research and return to Council with ordinances that strengthen our local campaign finance regulations. The following regulations should be explored:
  - a. Disclosure of top donors contributing to campaign committees making independent expenditures in municipal elections directly on all electioneering communications. Staff should specifically evaluate regulations from the following cities:
    - i. Mountain View (Muni Code Section 2.106);
    - ii. Cotati (Muni Code 1.09.090).
  - b. Enhanced enforcement of electioneering communication and other campaign regulations:
    - i. Require campaign committees making independent expenditures to file any mailing or distributed flyers (over 200) with the City Clerk, who will serve as a repository for literature without commentary;
    - ii. Create a central online location for campaign finance disclosure information.
      - (1) Require that this website be disclosed directly on all campaign electioneering communications, including mailers, television ads, and radio ads;
      - (2) Use the City & County of San Francisco Ethics Commission website as a model: <<https://sfethics.org/>>
    - iii. Explore an enforcement model similar to the California Fair Political Practices Commission (FPPC) Enforcement Division “AdWATCH” - <http://www.fppc.ca.gov/enforcement/adwatch.html>
    - iv. Determine whether disclosure requirements can be imposed on “push polling,” which attempt to influence voters using manipulative or leading questions.
    - v. Evaluate any modifications to the San José Board of Fair Campaign and Political Practices necessary to implement all of the regulations above and improve the ability of the Board to ensure compliance with local campaign regulations.
2. Organize a City Council Study Session in spring 2021 and invite campaign finance legal experts to explore innovative approaches to limiting corruption, or the appearance of corruption, of corporate and special interest spending on municipal elections. The following options should be examined:
  - a. limiting conflicts of interest;
  - b. prohibition of foreign-influenced contributions;
  - c. contribution limits to independent expenditure committees; and

d. public financing, including analysis of recent laws and proposals in Seattle, San Francisco, and Oakland.

3. Amend the scope of the Charter Review Commission to include a review of Section 607, Code of Ethics.

4. Amend the scope of the Charter Review Commission to include an evaluation of whether it would be desirable to establish the San José Board of Fair Campaign and Political Practices directly in the Charter.

5. Place the item on the December 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Jimenez](#)

3. [ROGC 20-545](#) Designate June 19 as a Public Holiday within the City of San José to Recognize the Ending of Slavery in the United States. (Jones, Foley & Jimenez)

**Recommendation:**

1. Direct Staff to explore and report the financial implications associated with recognizing June 19 as a paid citywide holiday;
2. Place the item on the December 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Jones, Foley and Jimenez](#)

4. [ROGC](#)  
[20-567](#) Measure G Workplan for Expansion of the Authority of the Independent Police Auditor and Arbitration Reform. (Mayor and Carrasco)

**Recommendation:**

1. In light of the passage of Measure G and prior Council direction, direct the City Manager and Independent Police Auditor to include discussions on the expansion of the authority of the Independent Police Auditor to include investigation of police misconduct as part of previous Council Direction on “Reimagining Public Safety”.
2. Further direct the City Manager, City Attorney, and Independent Police Auditor to report back to the City Council in public session by March 1, 2021 with a proposed workplan, policy formulation, possible budget impacts, and negotiation schedule for the expansion of the authority of the Independent Police Auditor to include investigation of police misconduct.
3. Direct the City Attorney and City Manager to include on the list of items to be negotiated in the upcoming Police Officers Association contract the reform of the arbitration process used to challenge disciplinary and termination decisions of the Chief of Police, to enable full transparency and accountability.

**Attachments**

[Memorandum from Mayor and Carrasco](#)  
[Early Consideration Form](#)  
[Letters from the Public](#)



5. [ROGC  
20-571](#) Actions Related to City Employee Oversight and Misconduct Investigation. (Mayor, Carrasco and Arenas)

**Recommendation:** 1. In the wake of the revelation of the sexual assault, extortion, bribery, and other crimes of former Code Enforcement official William Gerry, direct the City Auditor to include on his workplan an evaluation of oversight and management of Code Enforcement officials, and a recommendation about any needed management improvements within the Division and Department.

a. The City Auditor shall, during the November 18 Rules Committee meeting, report how other items on its workplan might be re-prioritized to accommodate this audit.

b. The City Auditor shall further opine whether it views this issue appropriate for audit, or better suited for Council investigation pursuant to San Jose City Charter Section 416.

**Attachments** [Memorandum from Mayor, Carrasco and Arenas](#)

#### H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

[ROGC  
20-555](#) Update to the August 2020 - June 2021 Community and Economic Committee Work Plan. (Public Works)

**Recommendation:** Approve the following update to the August 2020 - June 2021 Community and Economic Committee Work Plan to drop the following item from the November 23, 2020 meeting:  
City Council Policy Priority #1: Local Hiring/Local Business/Apprentice Utilization Program. (Public Works)

**Attachments** [Memorandum](#)

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.

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.