



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

SAN JOSE, CALIFORNIA

WEDNESDAY, June 22, 2022

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445, 80841 and 80507, this meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

The Council meeting was teleconferenced from remote locations and convened at 2:00 p.m.

Present: Councilmembers - Arenas, Cohen, Davis, Peralez, Jones

Absent: Councilmembers - None

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Gloria Schmanek; and Deputy City Clerk, Megan Roche.

A. City Council (City Clerk)

1. Review June 28, 2022 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: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the final agenda for the City Council meeting on June 28, 2022 with the Add Sheet. (5-0-0)

2. Review Draft Agenda

None.

B. Consent Calendar

Public Comments: The following member of the public provided comments: Blair Beekman.

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

1. Gun Violence Prevention Study Session. (City Manager)

A City Council Study Session entitled Gun Violence Prevention was scheduled for Monday, August 15, 2022 from 1:30 p.m. - 4:30 p.m. in the City Council Chambers.

2. Retroactive Approval of the Mayfair Dumpster Day and Capitol Park Futsal Court Unveiling Events Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Carrasco)

The Mayfair Dumpster Day, scheduled on June 10, 2022, and Capitol Park Futsal Court Unveiling Event, scheduled on June 18, 2022, both sponsored by Council District 5, were approved for placement on the June 28, 2022 City Council agenda.

3. Request for Travel Authorization for Councilmember Jimenez. (Jimenez)

Travel was authorized for Councilmember Sergio Jimenez to attend the Sister Cities International 2022 Summer Leadership Meeting, in Santa Fe, New Mexico from July 6 - 8, 2022. This item was approved for placement on the June 28, 2022 Council agenda.

4. Request for Travel Authorization for Councilmember Cohen. (Cohen)

It was approved to authorize travel, accept travel payments to the City of San José, and designate Councilmember Cohen as the City representative to attend the League of California Cities Board of Directors meeting in Garden Grove, California from July 14 - 15, 2022. This item was approved for placement on the June 28, 2022 Council agenda.

5. Approval of Estates Dumpster Day Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

The Estates Dumpster Day scheduled on June 25, 2022, sponsored by Council District 8, was approved for placement on the June 28, 2022 Council agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Collaboration with the County Regarding High-Risk Repeat Offenders. (Mahan)

Public Comments: The following members of the public provided comments: Arshon Keyani, Arushi Goyal, Stanton, Rose Sullivan, Blair Beekman, David Heindel, Edwin Moreno, Alejandra, Becky Garcia, John Hesler, Lorena Solorio, Greg Trapp, Elisa Goti, Eva, Sherri Greer, and Clyde Beck.

In Councilmember Matt Mahan's revised memorandum dated June 21, 2022, the City Manager was

directed to determine, prior to spending any of the \$300,000 recently authorized by the Council for SJPD's arrest of re-offending pretrial defendants, whether and which suspects will actually be kept in custody upon their re-arrest. The City Manager should do so through meetings with the County Executive, Sheriff, and Presiding Judge of the Superior Court (and/or any of their designates, including the Office of Pretrial Services and the Department of Correction). The outcome of the meetings should enable the City Manager to ascertain to which category of repeat offenders SJPD should direct its scarce resources for re-arrest, to avoid wasting resources on the re-arrest of defendants likely to be re-released by the County or Court immediately upon booking. The City Attorney was directed to determine: (a) Whether Santa Clara County's acceptance of the Superior Court's delegation of authority for post-booking pretrial release decisions to the County Office of Probation, Department of Correction, and Sheriff's Office in its Orders of June 22, 2021, February 23, 2022, and May 9, 2022 is lawful under: (i.) Article I, Section 12 California Constitution (providing "A person may be released on his or her own recognizance "in the court's discretion," but making no provision for any agency other than a court), (ii.) California Penal Code Section 1270 (a) (providing, "Any person who has been arrested...or charged...may be released on his or her own recognizance by a court or magistrate who could release a defendant from custody upon the defendant giving bail," and (iii.) other provisions of California law. (iv.) Report the findings to the City Council, and return in Closed Session to assess what actions the City should take in response to those findings, including whether the City has standing: (1.) to pursue injunctive relief against the County, or (2.) to pursue reimbursement from the County for the cost of re-arrest, and (b.) Whether the County's release of persons committing offenses more serious than those identified in the Superior Court's May 9, 2022 Order and identical prior orders constitutes an unlawful violation of that Order, as well as a violation of Article I, Section 28 (a)(4) of the California Constitution (providing " The rights of victims...are enforceable through the enactment of laws and through good-faith efforts and actions of California's elected, appointed, and publicly employed officials. These rights encompass the expectation shared with all of the people of California that persons who commit felonious acts causing injury to innocent victims will be appropriately and thoroughly investigated, appropriately detained in custody,..."), or other provisions of state law. No action was taken by the Committee on the memorandum from Councilmember Matt Mahan; it was noted that the City Manager's office and the City Attorney's office took direction from the memorandum.

D. Open Forum

1. Blair Beekman discussed the war in Ukraine and advised that continuing the practices of a democracy that is dedicated to openness and peace is a solution, he suggested that racial equity and human services ideas are important values that can help in consideration of law enforcement needs, surveillance, and tech and data collection, and also wished the Committee good luck in addressing the Military Industrial Complex through law enforcement.

E. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:46 p.m.

Chappie Jones

Email: chappie.jones@sanjoseca.gov
Date: 07/27/2022 GMT

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/mr:rulesmin20220622