

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 4, 2020

The Joint Meeting of the Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:04 p.m. in Council Chambers.

PRESENT: Mayor Sam Liccardo, Chair; Vice Mayor Chappie Jones, Vice Chair; Councilmember Dev Davis and Councilmember Johnny Khamis, Members.

ABSENT: Councilmember Sylvia Arenas. (Excused)

STAFF: Assistant City Attorney Ed Moran; City Manager, David Sykes; City Clerk Toni J. Taber, CMC; Senior Executive Analyst, Gloria Schmanek; Henry Smith, Mayor's Office; and Deputy City Clerk, Ruth Krantz.

1. Review March 10, 2020 Final Agenda

- a) Add new items to Final Agenda**
- b) Assign "Time Certain" to Agenda Items (if needed)**
- c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

Michael Pearce, representing Councilmember Maya Esparza's office, asked for early consideration of Item 8.2 considering the childcare required for some attendees.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee accepted the March 10, 2020 Final Agenda, including a Sunshine waiver for two Consent Items, and staff's request that evening items be heard in the order of: Item 10.2, 8.2, then 10.3.
(4-0-1. Absent: Arenas.)

2. Review March 17, 2020 Draft Agenda

- a) Add new items to Final Agenda**
- b) Assign "Time Certain" to Agenda Items (if needed)**
- c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

2. Review March 17, 2020 Draft Agenda (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee accepted the March 17, 2020 Draft Agenda. (4-0-1. Absent: Arenas.)

B. Review of Upcoming Meeting Agenda(s)

There were none presented.

C. Legislative Update

- 1. State**
- 2. Federal**

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Public Record for February 20, 2020 – February 27, 2020 was noted and filed. (4-0-1. Absent: Arenas.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a. Approval of Scottish Flag Raising Sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Khamis)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 17, 2020 City Council Agenda for action. (4-0-1. Absent: Arenas.)

2. Consent Calendar (Cont'd.)

- b. Approval of Assyrian New Year Sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Khamis)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 17, 2020 City Council Agenda for action.
(4-0-1. Absent: Arenas.)

- c. Approval of Annual Greek Flag Raising Sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Khamis)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 17, 2020 City Council Agenda for action.
(4-0-1. Absent: Arenas.)

- d. Retroactive approval of Dumpster Day Event Sponsored by Council District 4 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Diep)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 10, 2020 City Council Agenda for action.
(4-0-1. Absent: Arenas.)

- e. Approval of History of Inequity in San José Panel Discussion Sponsored by Council Districts 2, 3, 5, 7 and 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Jimenez, Peralez, Carrasco, Esparza and Arenas)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 10, 2020 City Council Agenda for action.
(4-0-1. Absent: Arenas.)

- f. Approval of Berryessa Annual Art Festival Sponsored by Council District 4 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Diep)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the March 10, 2020 City Council Agenda for action.
(4-0-1. Absent: Arenas.)

G. Rules Committee Reviews, Recommendations and Approvals

2. Bay Area News Group's (BANG) Public Records Act Request. (Mayor)

Public Comments: Bert Robinson, representing BANG, raised concerns regarding the pace of the City's response to their records request, and compared the more expeditious responses of other cities. He suggested provisions for crafting an agreement, enforceable in court should the Department not deliver, and asked that such an agreement be formulated within 4 weeks.

Assistant City Attorney Ed Moran and City Manager, David Sykes spoke on next steps required, with the need to return to next week's Rules Committee to report on the status of the City's release of SJPd records pursuant to SB 1421, evaluating obstacles to be removed to expedite release of those records. Lieutenant Paul Cook Research & Development Commander, responded to questions and addressed the process in producing records of this magnitude.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the City Manager and Chief of Police were directed to return to next week's Rules Committee regarding the status of the City's release of SJPd records to the Bay Area New Group, with staff to provide information on accelerating this process. (4-0-1. Absent: Arenas.)

H. Review of additions to Council Committee Agendas/Work Plans

- 1. Community and Economic Development Committee - none provided.**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee – none provided.**
- 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**

There were none presented.

I. Open Government

None provided.

OPEN FORUM

Martha O'Connell clarified the approximate start time of item 10.2 on the March 10 agenda.

H. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 2:30 p.m.

draft

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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