CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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

SAN JOSÉ, CALIFORNIA **WEDNESDAY, SEPTEMBER 9, 2026**

The Committee meeting was held in the Council Chambers and convened at 2:00 p.m.

Present: Councilmembers - Cohen, Kamei, Foley (*arrived at 2:04 p.m.*) , Doan, Candelas.

Absent: Councilmembers - None

Staff: Lee Wilcox, Assistant City Manager, City Manager's Office; Neelam Naidu, Senior Deputy Attorney, City Attorney's Office; Joy Rodriguez, Assistant City Clerk, City Clerk's Office; Rachelle Blattman, Senior Executive Analyst, City Manager's Office; and Daniel Aguilar, Deputy City Clerk, City Clerk's Office.

A. City Council (City Clerk)

1. Review September 15, 2026 Final Agenda
a) Add New Items to Final Agenda
b) Assign "Time Certain" to Agenda Items (if needed)
c) Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Public Comment: (*In Person)* Brian Darby offered public comment.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Committee approved the final agenda for the City Council meeting on September 15, 2026; including the Add Sheet. (4-0-1; Absent: Foley)

2. Review September 22, 2026 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)

Public Comment: None provided.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Domingo Candelas, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on September 22, 2026. (4-0-1; Absent: Foley)

B. Consent Calendar

Public Comment: (*In Person)* Brian Darby offered public comment.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember Domingo Candelas, and carried unanimously, the Consent Calendar was approved *as a whole,* with the following actions taken as indicated. (5-0-0)

1. The Public Record for August 27, 2026 - September 3, 2026. (City Clerk)

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

Action: The Public Record for August 27, 2026 - September 3, 2026 was received and filed. (5-0-0)

2. Monthly Report of Activities for August 2026. (City Auditor)

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

Action: The Auditor's Office Monthly Report of Activities for the month of August 2026 was approved. (5-0-0)

3. Request to Travel. (Mayor)

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.

Action: Mayor Mahan's request to travel and absence request were approved for placement on the September 15, 2026 City Council Agenda for action. (5-0-0)

C. Rules Committee Reviews, Recommendations and Approvals

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

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.

Councilmember Peter Ortiz introduced the item and recommendation, as outlined in the September 3, 2026 joint memorandum co-authored by Councilmember Ortiz, Councilmember Campos, Councilmember Cohen, Councilmember Candelas, and Councilmember Casey.

Lee Wilcox, Assistant City Manager, City Manager's Office, announced that staff would return with a Workload Analysis at the September 30, 2026 Rules and Open Government Committee meeting.

Public Comment: (*In Person*) Brian Darby and (*Virtual*) Jordan Moldow offered public comment.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Committee directed that the item, regarding Council Transparency and Private Non-Disclosure Agreements, return to the September 30, 2026 Rules and Open Government Committee agenda with a Workload Analysis. (5-0-0)

D. Open Forum

1. (*In Person*) Brian Darby referenced an upcoming 25 year anniversary and offered a moment of silence.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:15 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on: 9/29/2026

Number of actions: 4

Attest by:

Toni J. Taber, MMC
City Clerk, City of San José