CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

COUNCIL AGENDA: 2-12-08
ITEM: 3.10

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 23, 2008

PRESENT: Mayor Reed and Councilmembers Constant, Chirco and Nguyen

ABSENT: Vice Mayor Cortese

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Assistant City Manager Christine Shippey, Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel

A. City Council

1. Review January 29, 2008 Final Agenda
Action: The Committee approved the January 29, 2008 Council Agenda.

2. Review of February 5, 2008 Draft Agenda
Action: The Committee approved the following addition to the February 5, 2008 Draft Agenda:

- Presentation of a commendation to the Exchange Club of San Jose.

B. Redevelopment Agency

1. Review January 29, 2008 Final Agenda
Action: The Committee approved the January 29, 2008 Redevelopment Agency Meeting Agenda.

2. Review February 5, 2008 Draft Agenda
None-Meeting Cancelled.

C. Legislative Update

1. State

a. Neighborhood Speed and Traffic Enforcement
Documents Filed: Memorandum from Police Chief Robert Davis, Director of Transportation James Helmer and Director of Intergovernmental Relations Betsy Shotwell dated December 5, 2007 recommending acceptance of staff's memorandum updating the City Council as to the status of implementing the Mayor's June Budget Message with regards to establishing a three motor officer team in the Traffic Enforcement Unit to conduct neighborhood speed enforcement as a City initiative to reduce vehicle speeds and other moving violations.

Action: The Committee approved the report.

2. **Federal**
   None.

D. **Meeting Schedules**
None.

E. **The Public Record**
Documents Filed: Memorandum from Lee Price, City Clerk dated January 18, 2008 transmitting the Public Record for the week of January 11-17, 2008.

Action: The Committee noted and filed the Public Record.

F. **Appointments to Boards, Commissions and Committees**
None.

G. **Rules Committee Reviews, Recommendations and Approvals**

1. **Discussion of AB 1441-Legal Defense Fund.**
   Documents Filed: Memorandum from City Attorney Richard Doyle dated December 13, 2007 regarding AB 1441 – Legal Defense Fund, which amends the Political Reform Act to allow candidates for local elective office and local elective officials to establish an account solely for legal defense.

   City Attorney Rick Doyle recommended the adoption of an enabling ordinance that would provide authorization to Councilmembers to establish a legal defense fund, if necessary. Mayor Reed spoke in support. Brief questions followed.

   Action: The Committee agreed to have the City Attorney prepare a draft ordinance for discussion and consideration by the Rules and Open Government Committee.

2. **Status Report relating to Internet Filtering Proposal and Computer Use at San Jose Public Libraries.**
   Documents Filed: (1) Memorandum from Library Director Jane Light dated January 9, 2008 recommending approval of status report for Library Workplan as it relates to Internet filtering proposal. (2) Letter from Debbie Cauble dated December 30, 2007 expressing opposition to internet filters. (3) Letter from Nicole Ozer, Technology and Civil Liberties Policy Director dated January 9, 2008 in opposition to internet filters. (4) Letter from Monique A. LeConge, California Library Association, dated December 20, 2007, in support of the current San Jose Public Library Internet Access and Computer Use Policy. (5) Letter from former Councilmember Trixie Johnson dated January 22, 2008 supporting completion of a Work Plan. (6) Resolution from the Board of Directors of the Santa Clara Valley Chapter of the American Civil Liberties Union of Northern California dated January 23, 2008 in support of open access to the Internet by the public.

Library Director Jane Light provided a status report on the Workplan that was approved in November 2007 along with some current statistics at the Martin Luther King Library and other branch libraries. Councilmember Constant expressed disappointment in the report and findings. Library Director Jane Light clarified that Staff's work was not yet complete and described next steps.

Mayor Reed asked Staff to address some additional questions in the completed Workplan: (1) is it possible to bypass filters with software? (2) Would it be possible to do something with one or more branch libraries first, as a pilot? In addition, he proposed that Staff conduct outreach to parent groups.

Public Comment: The following spoke in opposition to proposed internet filtering at the San Jose public libraries: (1) Corrine Risley, (2) Buu Thai, Planned Parenthood, (3) Mary Minnow, (4) Molly Westmoreland, (5) Nicole Ozer, ACLU of Northern California, (6) Peter Yessne, Chairperson of the Santa Clara Valley American Civil Liberties Union, (7) Tina Morrill, (8) Marion Messina, and (9) Michelle (last name inaudible).

Larry Pegram, President of Advocacy Council was in support of internet filtering at the San Jose public libraries.

Action: The Committee accepted the status update and asked Staff to bring back in early March the final report.

3. **Foreclosure Activity and Homeowner Assistance Efforts.**
   RECOMMEND DEFERRAL TO JANUARY 30, 2008
   Action: The Committee approved to defer this item.

H. Review of additions to Council Committee Agendas

1. **Community and Economic Development Committee**
2. **Neighborhood Services and Education Committee**
3. **Transportation and Environment Committee**
4. **Request for Transportation and Environment Committee Workplan**
   None.

I. Open Government Initiatives

1. **Reed Reforms**
2. **Sunshine Reform Task Force (SRTF)**
   a. **Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.**

Discussion ensued regarding applying the SRTF recommendations to "other advisory entities" defined by Staff as follows: (1) Group 1, standing committees of advisory bodies or committees comprised of City Council staff that represent a majority of the City Council offices – these groups are subject to the Brown Act; (2) Group 2, entities created to advise the Mayor, the Mayor's Chief of Staff or Budget/Policy Director, a Councilmember or Council Appointee – these groups are open to the public but not subject to the Brown Act; and (3) Group 3, ad hoc groups formed or used for a specific/immediate problem of a private or non-public nature – these groups would not be open to the public and not subject to the Brown Act.

Brief discussion ensued regarding advisors to an individual Councilmember. SRTF Chair Ed Rast pointed out that the Task Force did not intend to regulate campaign committees, but that the Task Force did intend to regulate policy committees controlled by the Mayor or a Councilmember.

Councilmember Constant asked for clarification as to when an ad hoc group becomes a standing committee. City Attorney Rick Doyle replied that if it goes beyond six months it is generally seen as something more permanent and should be subject to the Brown Act.

Action: The Committee modified Staff's definition of Group 2 bodies by adding "*primarily* formed to advise.....*on the City's business*"; accepted the Task Force recommendation to require 4 days notice/posting of agendas for Groups 1 and 2; and directed Staff to work on a clear definition of "ad hoc". The Committee continued further discussion of "other advisory entities" to its next meeting.

3. **Significant Public Records Act Requests**
4. **Council Policy Manual Update**
   None.

J. Open Forum
None.

K. Adjournment

The meeting was adjourned at approximately 4:00 p.m.

Mayor Chuck Reed
Rules and Open Government Committee