

RULES AND OPEN GOVERNMENT COMMITTEE

CHUCK REED, CHAIR
DAVID CORTESE, VICE CHAIR
PETE CONSTANT, MEMBER
JUDY CHIRCO, MEMBER
MADISON NGUYEN, ALTERNATE

STAFF: RICHARD DOYLE, CITY ATTORNEY
LEE PRICE, CITY CLERK
DEBRA FIGONE, CITY MANAGER
HARRY MAVROGENES, REDEVELOPMENT
AGENCY DIRECTOR

AGENDA

2:00 P.M.

February 27, 2008

Room W118-119

- A. City Council (City Clerk)
1. Review March 4, 2008 Final Agenda
 - a. Add New Items to final agenda
 - Calling for a regular Municipal Election on June 3, 2008 for the Purpose of Electing Council Members, Districts 2, 4, 6, 8 and 10. (Clerk)
 - b. Assign "Time Certain" to Agenda Items (if needed)
 2. Review March 11, 2008 Draft Agenda
 - a. Add New Items to draft agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
- B. Redevelopment Agency (Executive Director)
1. Review March 4, 2008 Final Agenda
 - a. Add New Items to final agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 2. Review March 11, 2008 Draft Agenda
 - a. Add New Items to draft agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
- C. Legislative Update
1. State
 2. Federal
 - a. Support for Federal Housing Legislation: H.R. 840 (Carson) – Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007 and S. 1518 (Reed) – Community Partnership to End Homelessness Act of 2007, if amended. (Housing)

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) 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 at <http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules.asp>

RULES AND OPEN GOVERNMENT COMMITTEE AGENDA

February 27, 2008

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- D. Meeting Schedules
None.
- E. The Public Record
- F. Appointments to Boards, Commissions and Committee
None.
- G. Rules Committee Reviews, Recommendations and Approvals
 - 1. Placement of Automatic External Defibrillators. (Chu/Campos/Williams/Liccardo)
- 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. Public Safety, Finance and Strategic Support Committee
 - Add item to the March 20, 2008 agenda entitled, "Renaming of Police and Communications PAC Building". (Police)
- I. Open Government Initiatives
 - 1. Reed Reforms
 - 2. Sunshine Reform Task Force
 - 3. Significant Public Records Act Requests
 - 4. Council Policy Manual UpdateNone.
- J. Open Forum
- K. Adjournment



RULES AGENDA: 2/27/08
ITEM: A.1.a

Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: LEE PRICE, MMC
CITY CLERK

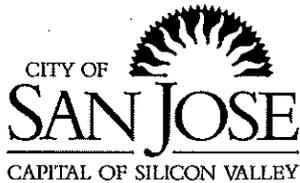
SUBJECT: Add to the March 4, 2008 Agenda

DATE: February 22, 2008

RECOMMENDATION

Add the attached memorandum and draft resolution calling for an election of officers on June 3, 2008 to the Council Agenda for March 4, 2008.

LEE PRICE, MMC
City Clerk



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: LEE PRICE, MMC
CITY CLERK

**SUBJECT: CALLING FOR A REGULAR
MUNICIPAL ELECTION ON
JUNE 3, 2008 FOR THE PURPOSE
OF ELECTING COUNCIL MEMBERS,
DISTRICTS 2, 4, 6, 8 AND 10**

DATE: February 22, 2008

RECOMMENDATION

Adoption of a resolution calling for a Regular Municipal Election on June 3, 2008 and a Run-off Municipal Election on November 4, 2008, if need be, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.

BACKGROUND

State Election law provides that the governing body of a City may, by resolution, request the Board of Supervisors of the County to permit the County elections official (the Registrar of Voters) to render specified services to the City relating to the conduct of an election. Adoption of a resolution calling for a General Municipal Election to be held on June 3, 2008, and a run-off election if needed, will also request consolidation with any other elections being held in Santa Clara County on June 3, 2008 and initiate the publication process.

The purpose of the Election is to ask the voters of San José to elect a Mayor and one Council Member each from Districts 2, 4, 6, 8, and 10 to four year terms beginning January 1, 2009 and ending December 31, 2013.

ANALYSIS

The nomination period for the June 3, 2008 election opened on Monday, February 11th and closes at noon on Friday, March 7th. It is timely and appropriate for the City Council to establish the election dates and procedures for the conduct of the General Municipal Election and to request consolidation with the County. Should no person or persons be declared elected on June 3rd because of a failure to receive a majority of the votes cast for an office, a Runoff Municipal Election on November 4, 2008 will be necessary.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Calling Elections for June 3, 2008 and November 4, 2008

02-22-08

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PUBLIC OUTREACH

The California Elections Code provides public noticing requirements which are carried out by the City Clerk and the County Registrar of Voters.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office and the County Registrar of Voters.

A handwritten signature in black ink, appearing to read "Lee Price", with a long horizontal flourish extending to the right.

LEE PRICE, MMC
City Clerk

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF A REGULAR MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN JOSE ON JUNE 3, 2008 FOR THE PURPOSE OF ELECTING ONE PERSON EACH FROM COUNCIL DISTRICTS TWO, FOUR, SIX, EIGHT AND TEN TO THE COUNCIL OF THE CITY OF SAN JOSE FOR FULL FOUR-YEAR TERMS; REQUESTING THE CONSOLIDATION OF SAID ELECTION WITH THE STATE DIRECT PRIMARY ELECTION TO BE HELD IN SANTA CLARA COUNTY ON JUNE 3, 2008; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CANVASS THE RETURNS OF SAID ELECTION AND TO PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER CERTAIN SERVICES TO THE CITY OF SAN JOSE RELATING TO THE CONDUCT OF SAID ELECTION AND A RUNOFF MUNICIPAL ELECTION IF NECESSARY; AND DIRECTING THAT CERTAIN OTHER ACTIONS BE TAKEN WITH REGARD TO THE ELECTION.

WHEREAS, the Charter of the City of San José and the San José Municipal Code requires that a Regular Municipal Election be held in said City on the same date that the State of California holds its Direct Primary Election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. A Regular Municipal Election is hereby called and ordered to be held in the City of San José on Tuesday, June 3, 2008, for the following purpose:

To elect one person each from Council Districts 2, 4, 6, 8, and 10 to the Council of the City of San José for a term commencing January 1, 2009, and ending December 31, 2013.

SECTION 2. The above-mentioned offices shall be placed on the ballots used in the above-specified election in the following form:

CITY OF SAN JOSE

MEMBER, CITY COUNCIL, DISTRICT 2	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 4	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 6	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 8	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 10	VOTE FOR ONE

SECTION 3. Should no person be declared elected to the offices listed in Section 2, above, because of a failure to receive a majority of the votes cast for such offices, a Runoff Municipal Election to fill the vacancy or vacancies will be conducted on November 4, 2008.

SECTION 4. In accordance with the provisions of California Elections Code § 10403, the Council of the City of San José (the "City Council") does hereby request the Board of Supervisors of the County of Santa Clara, California to consolidate said Regular Municipal Election with the State Direct Primary Election which is to be held in Santa Clara County on Tuesday, June 3, 2008 and further to consolidate a Runoff Municipal Election with the General Election on November 4, 2008 if necessary.

The election precincts, polling places, voting booths, voting systems and election officers for the above-mentioned Regular Municipal Election shall be the same as provided for the above-mentioned State Direct Primary Election in the City of San José.

The Board of Supervisors of Santa Clara County, California is hereby authorized to canvass the returns of said Regular Municipal Election in accordance with Section 10411 of the Elections Code of the State of California.

SECTION 5. Pursuant to the provisions of California Elections Code § 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of the County of Santa Clara,

California to render to the City of San José such services as the City Clerk of the City of San José may request, relating to the conduct of the above-mentioned election with respect to the following matters:

Publications including the Notice of Election; Coordination of election precincts, polling places, voting booths, voting systems and election officers; Checking of nomination petitions; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast.

The City Clerk is hereby directed to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

SECTION 6. Pursuant to Elections Code § 13307, the City Council hereby determines to retain the limit of 200 words for each candidate's statement.

SECTION 10. The City Clerk shall comply with provisions of Federal, State, and Local law with regard to the conduct of the election.

ADOPTED this 4th day of March, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk



Memorandum

**TO: RULES AND OPEN
GOVERNMENT COMMITTEE**

FROM: Leslye Krutko

SUBJECT: SEE BELOW

DATE: February 13, 2008

Approved

Christine J. Shipper

Date

2/13/08

SUBJECT: SUPPORT FOR FEDERAL HOUSING LEGISLATION: H.R. 840 (CARSON) – HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2007 AND S. 1518 (REED) – COMMUNITY PARTNERSHIP TO END HOMELESSNESS ACT OF 2007, IF AMENDED.

RECOMMENDATION

It is recommended that:

1. The Mayor and City Council support H.R. 840 (Carson) and support S. 1518 (Reed) if amended.
2. The Committee provide a one-week turn around for Mayor and City Council review.

OUTCOME

If the Rules and Open Government Committee and the Mayor and City Council accept staff's recommendation, the City lobbyist could begin seeking support for H.R. 840 (Carson) and amendments to S. 1518 (Reed).

BACKGROUND

The 2007-2008 Federal Legislative cycle has featured several bills that address homelessness. The bills are of particular interest to the City's Ten-Year Strategy to End Homelessness. An analysis of H.R. 840 and S. 1518 is attached to this memo for the Rules and Open Government Committee's consideration.

ANALYSIS

A fact sheet and analysis of H.R. 840 and S. 1518 are attached.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, Intergovernmental Relations Director in the City Manager's Office and the City's federal lobbyist, Patton Boggs.

POLICY ALIGNMENT

The attached fact sheets and analyses are consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines.

CEQA

Not a project


LESLYE KRUTKO
Director of Housing

For more information call Melissa Whatley, Policy Manager, at (408) 975-4418

H.R. 840 (CARSON) – HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2007

What's the issue the bill is trying to resolve?

H.R.840 (Carson), the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH), amends the McKinney-Vento Homeless Assistance Act and consolidates all Housing and Urban Development (HUD) McKinney-Vento housing programs except the Emergency Shelter Grants (ESG) into one competitive program with a broad set of eligible activities for funding. These activities include homeless prevention, permanent or transitional housing for any homeless population, and supportive services. HEARTH also provides:

- 1) Definition of Homeless - amends the HUD definition of homelessness to include families and individuals sharing housing of others due to loss of housing or economic hardship and persons living in motels, hotels, and campgrounds due to the lack of adequate permanent housing. Additionally, H.R. 840 defines "homeless individual with a disability" to include a physical, mental or emotional impairment, including an impairment caused by alcohol or drug addiction. HEARTH differs from its companion bill in the Senate (S. 1518 Reed), by including in the definition of homeless individuals released from prison on probation or parole if those persons otherwise meet the definition of homelessness. HEARTH does not add families under the current definition of "chronic homeless."
- 2) Homeless Prevention Activities - requires entities that receive ESG grants, like San José, and serve one or more geographic areas to establish a community homeless assistance planning board for each geographic area applying for HUD McKinney-Vento funds. Additionally, the legislation adds "homeless prevention activities" to the eligible services that can receive funding under the Continuum of Care Program. The homeless prevention activities included under the legislation are: education, family support services for homeless youth, victim services, and mental health services.
- 3) Continuum of Care Program - consolidates the current Supportive Housing Program (SHP) and Shelter Plus Care Program (S+C) into the "Continuum of Care Program." Under the Continuum of Care Program, both permanent housing and homeless prevention activities are an eligible use of funds.
- 4) Flexibility – restores flexibility of geographic areas to set their own priorities in the use of HUD homeless assistance funds.
- 5) Increase the authorization level - for HUD homeless assistance programs to \$2.5 billion annually (current appropriation is \$1.5 billion).

How would the passage of this bill affect San José?

H.R. 840 preserves community flexibility to use HUD homeless assistance funds to meet the most pressing local needs and provides new and flexible resources for homelessness prevention. Additionally, the legislation amends the HUD definition of homelessness to include persons sharing the housing of others due to loss of housing or economic hardship and persons living in motels, hotels, and campgrounds due to the lack of adequate housing. These living arrangements are currently recognized as homeless under other federal laws, but not the HUD statute. By expanding the HUD definition of homeless and aligning the definition with that used by other

federal agencies, communities, including San José, will be able to assist more homeless families and prevent homelessness.

As San José continues to address the issue of homelessness through the Ten-Year Strategy to End Homelessness, H.R. 840 will assist in the provision of necessary funding, definitions and programs to end homelessness in San José.

What is staff's Proposed Position?

Staff recommends that the City support H.R. 840.

Who are the bill's supporters and opponents?

As of January 29, 2007 the following organizations issued statements supporting H.R. 840: Catholic Charities USA, Family Promise, Housing Assistance Council, National Coalition for the Homeless, National Policy and Advocacy Council on Homelessness, National Health Care for the Homeless Council, National Law Center on Homelessness & Poverty, National Network for Youth, National Network to End Domestic Violence, and Volunteers of America. Currently, there is no registered opposition.

What is the current status of the measure?

On April 13, 2007, H.R. 840 was referred to the House subcommittee on Housing and Community Opportunity.

S. 1518 (REED) – COMMUNITY PARTNERSHIP TO END HOMELESSNESS ACT OF 2007

What's the issue the bill is trying to resolve?

S. 1518 (Reed), the Community Partnership to End Homelessness Act of 2007 (CPEHA), would take a number of actions to make the U.S. Department of Housing and Urban Development's (HUD) homeless assistance programs more flexible, performance based, and accountable in an effort to accomplish the goals of preventing and ending homelessness.

- 1) Definition of Homeless—S. 1518 redefines homelessness to include families that move from time to time with little stability and those who double-up living with family or friends.
- 2) Emergency Homeless Prevention and Shelter Grants Program—the existing Emergency Shelter Grant (ESG) Program would be renamed, but the funds would continue to be allocated to jurisdictions under the current funding formula. The legislation would require entities that receive ESG grants and serve one or more geographic areas to allocate ESG funds in consultation with a community board. Additionally, between 10-15% of HUD McKinney-Vento appropriation would be required to be spent on ESG.
- 3) Community Homeless Assistance Program—reauthorizes and consolidates HUD's Continuum of Care Programs (Supportive Housing Program, Shelter Plus Care, and Moderate Rehabilitation/SRO) into a single Community Homeless Assistance Program allowing for a single application for funding from a "Collaborative Applicant."
- 4) High-Performing Communities—communities that demonstrate they are significantly reducing homelessness would be given additional flexibility in the use of their funding.
- 5) Use of Funds—collaborative applicants can apply for funding for homeless prevention and housing stabilization. At least 30% of the McKinney-Vento funds shall be used nationally for permanent housing for homeless individuals with disabilities and homeless families that include a disabled adult and 10% of the fund shall be used for permanent housing for homeless families with children.
- 6) Increases the authorization level – for HUD homeless assistance programs to approximately \$2.5 billion annually. (The current appropriation is \$1.5 billion for fiscal year 2007.) A portion of these funds, \$440 million, are for programs to help families that do not meet the definition of homeless, including those families who are living in hotels and motels.

How would the passage of this bill affect San José?

This legislation will streamline the application process, provide more flexibility, and allow the City of San José to assist more homeless people, especially homeless families that are not currently included in the definition of "chronic homelessness."

Under S. 1518 (Reed), local collaboratives, such as the Santa Clara County Collaborative to End Homelessness, of which the City of San Jose is a member, would be eligible to receive funding for administrative expenses. This funding has not previously been available and will help address the collective goal of the City of San José and Santa Clara County to end chronic homelessness in ten years.

What is staff's Proposed Position?

Staff recommends that the City support S. 1518 if amended. The following amendment is recommended: (1) Remove the community board requirement for ESG. For the City of San Jose, creating and managing a community board given the small amount of funds it receives (approximately \$440,000 annually) is an enormous burden.

Who are the bill's supporters and opponents?

As of February 8, 2008, staff has not identified any supporters or opponents of S. 1518.

What is the current status of the measure?

On September 19, 2007, S. 1518 passed out of Committee and is currently pending full Senate consideration.



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 15-21, 2008

DATE: February 22, 2008

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Response to petition of Pacific Gas and Electric Company to Modify Decision (05-06-060) from Michael D. Montoya and Michael A. Backstrom Attorneys for Southern California Edison Company before the Public Utilities Commission of the State of California dated February 8, 2008 (on file in the Office of the City Clerk).
- (b) Letter from Joint Policy Committee-Regional Planning Program to Mayor and Councilmembers dated February 13, 2008 regarding political dialogue: Role of Land Use in Addressing Climate Change.
- (c) Manifesto of Protest to the City Clerk received February 15, 2008 against the manner in which the 2007 San Jose International Mariachi Festival was organized.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated February 19, 2008 regarding public art, the San Jose Police Department Substation and the Independent Police Auditor.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding reformulate parcel taxes before the City of San Jose files for bankruptcy.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding Prop. 162.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding the Redevelopment Agency.

Lee Price, MMC
City Clerk

LP/np

Distribution: Mayor/Council
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Memorandum

2008 FEB 14 P 4:09

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Kansen Chu
Councilmember Nora Campos
Councilmember Forrest Williams
Councilmember Sam Liccardo

SUBJECT: AUTOMATIC EXTERNAL
DEFIBRILLATORS

DATE: February 14, 2008

APPROVED:

Kansen Chu *Forrest Williams* DATE: 02/14/08
Nora Campos
Sam Liccardo PF

RECOMMENDATION

Direct the City Manager and City Attorney to conduct a stakeholder outreach process to determine the feasibility of requiring the placement of automatic external defibrillators (hereinafter AED) in hotels, motels, and senior apartment communities. Further, the City Attorney should research existing liability relief (i.e. employers, property owners, hotel operators) granted by the State Legislature and determine if any additional relief is necessary.

BACKGROUND

Each year, sudden cardiac arrest (hereinafter SCA) claims the lives of 325,000 people in the United States. At approximately 1,000 lives a day, SCA is the leading cause of death in this country¹. SCA is different from a heart attack in that SCA is akin to “having your internal light switch shut off” and often results in less than a 5% survival rate if not treated within 10 minutes.

The good news is that each year, an estimated 40,000 lives can be saved in the United States if there is broad access to AEDs. In July 2007, all health clubs and health studios in California were required to have an AED program in place as required in the California Health and Safety Code². However, there are more publicly accessible places, such as hotels, that lack this device. In fiscal year 2005-2006, the San Jose Fire Department reported 771 SCA incidents. The cost of AEDs has dropped dramatically, averaging \$2,300 per unit.

In September 2007, the Public Safety, Finance, Strategic Support Committee accepted the Heart Safe City Proposal by Chief Von Raesfeld, who is expected to report back in April 2008. We believe this proposed AED ordinance should move forward in conjunction with the Heart Safe City proposal. Combined, they will help San Jose earn the title of Heart Safe City. We are asking for your support on this life saving initiative. By doing so, we will give hundreds of people a second chance at life.

¹ Sudden Cardiac Arrest Association

² California Health and Safety Code § 104113



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Robert L. Davis

SUBJECT: RENAMING OF POLICE AND
COMMUNICATIONS (PAC) BUILDING

DATE: February 21, 2008

Approved

Christine J. Shippy

Date

2-21-08

SUBJECT: PUBLIC SAFETY, FINANCE & STRATEGIC SUPPORT COMMITTEE
(PSFS) ADDITION

RECOMMENDATION:

Request to add an item to the Public Safety, Finance and Strategic Support Committee agenda on the proposal to rename the Police and Communications (PAC) Building.

BACKGROUND

The SJPD is requesting the current Police and Communications (PAC) Building be renamed in honor of the late Sgt. Bobby Burroughs. In 1979, it was clear that the Police Department had outgrown its existing police building. Sgt. Bobby Burroughs became the driving force behind the construction of PAC.

Sgt. Burroughs worked with the Mayor, members of City Council and heads of numerous City departments. Sgt. Burroughs prepared numerous memos, attended numerous meetings, made hundreds of telephone calls and worked an untold amount of uncompensated hours of reviewing the design of the new building. Upon the building completion, the Police Department had a secure, state-of-the-art Police and Fire Communications Center and room to house the entire Police patrol division.

Sgt. Burroughs succumbed to cancer in 2005. It is the recommendation of the Department that the PAC building be renamed in honor of Sgt. Bobby Burroughs.

for *ALC Katz*
ROBERT L. DAVIS
Chief of Police

For questions, please contact Lt. Laurence Ryan, Research and Development Unit, at 277-5200.

RLD:LR