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**RULES AND OPEN GOVERNMENT COMMITTEE**  
Meeting Report  
February 14, 2007

**PRESENT:** Vice Chair Cortese, Members Chirco and Liccardo

**ABSENT:** Chair Reed, Member Constant

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, Assistant City Manager Deanna Santana, Redevelopment Agency Executive Director Harry Mavrogenes, Agenda Services Manager Nadine Nader, and Redevelopment Agency Liaison Gary Miskimon.

**A. City Council**

**1. Review New Add Items to the February 20, 2007 Agenda**  
None-Meeting Cancelled

**2. Review February 27, 2007 Draft Agenda**

The Committee approved the following additions to the February 27, 2007 Council Agenda:

**a. Council Appointee Requests**

- Acceptance of the Office of the City Auditor's Report of Sales Tax Audit Results.
- Request to Extend Term of Office – Elections Commission Recommendation
- Memorandum from Mayor Reed dated February 14, 2007 recommending approval of the draft for the ideal candidate profile and approve the implementation of the remaining phases of the City Manager Executive Search.
- City Attorney Doyle requested a Closed Session regarding labor negotiations be added to the February 20, 2007 Study Session agenda. The Committee added the Closed Session to begin at 8:30 a.m.

**B. Redevelopment Agency**

1. **Review New Add Items to the February 20, 2007, Agenda**  
None-Meeting Cancelled
  
2. **Review February 27, 2007 Draft Agenda**  
There were no additional items for the February 27, 2007 Redevelopment Agency agenda.
  
3. **List of Reports Outstanding**  
There were none.

**C. Legislative Update**

1. **State**  
None
  
2. **Federal**  
None

**D. Meeting Schedules**

1. **Approve the Proposed FY 2007-2008 Agency Budget Calendar.**  
Documents Filed: Memorandum from Harry S. Mavrogenes dated February 8, 2007 recommending the Rules and Open Government Committee approve the proposed FY 2007-2008 Agency Budget Calendar.  
  
Action: The Committee approved the proposed Agency Budget Calendar.
  
2. **Approve the revised Study Session Schedule from February through May 2007.**  
Documents Filed: Memorandum from Nadine Nader dated February 8, 2007 recommending approval of revised study session schedule.  
  
Action: The Committee approved the revised study session schedule.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk dated February 9, 2007 transmitting the Public Record for the week of February 2-8, 2007.

Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

**1. Appointment to the Project Diversity Screening Committee.**

Documents Filed: Memorandum from Councilmember Chirco dated February 9, 2007 recommending Jeannie LoFranco be appointed to the Project Diversity Screening Committee to a term ending December 31, 2009.

Action: The Committee approved Councilmember Chirco's nomination of Jeannie LoFranco to the Project Diversity Screening Committee and deferred another nomination for two weeks.

**2. Appointment to the Arts Commission.**

Documents Filed: Memorandum from Councilmember Williams dated February 5, 2007 recommending Patricia McDonald be appointed to the Arts Commission to fill an unexpired term ending June 30, 2009.

Action: The Committee approved the appointment of Patricia McDonald to the Arts Commission.

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

**1. Referral of Audit Resources for Families and Communities.**

Documents Filed: (1) Memorandum from Gerald Silva, City Auditor, dated February 8, 2007 accepting the referral of Audit of Resources for Families and Communities. (2) Memorandum from Richard Doyle, City Attorney, dated January 29, 2007 recommending the City Auditor add to its 2006-07 work plan, a review of the financial information of Resources for Families and Communities ("RFC"), a 501 (c)3 non-profit organization.

Action: The Committee approved the referral of Audit Resources for Families and Communities to the Office of the City Auditor.

**2. Proposal to Convert Agnews Development Center to a State Prison.**

Documents Filed: Memorandum from Mayor Reed dated February 7, 2007 recommending that the San Jose City Council adopt a resolution in opposition to the State's the proposal to convert Agnews Development Center to a State Prison.

Action: The Committee placed this item on the City Council agenda for February 27, 2007.

**3. Royal Coach Tours.**

Documents Filed: Memorandum from Joseph Horwedel dated February 5, 2007 recommending that the Committee accept Staff's recommendation that the Royal Couch Tours facility located at 690 Stockton Avenue does not constitute a public nuisance due to site improvements.

Public Comment: Tessa Woodmansee asserted that Royal Couch Tours had harassed her and her neighborhood as a result of their complaints regarding noise and air quality. She urged the Committee to consider a more comprehensive noise ordinance that provides greater protection.

Mike Hannon, Deputy Director of Planning, Building and Code Enforcement, responded to questions and reported that Royal Coach Tours was in compliance with noise regulations.

Action: The Committee accepted staff's report.

**4. Addition of an Audit of the Camera Pavilion Management Corporation to the City Auditor's 2006-2007 work plan.**

Documents Filed: (1) Memorandum from Harry S. Mavrogenes dated February 8, 2007 recommending that the Rules and Open Government Committee authorize the addition of an audit of the Camera Pavilion Management Corporation to the City Auditor's 2006-2007 work plan. (2) Memorandum from Gerald A. Silva, City Auditor, dated February 8, 2007 accepting the addition of an audit to the Camera Pavilion Management Corporation to the City Auditor's 2006-2007 work plan.

Action: The Committee approved the addition of an audit of the Camera Pavilion Management Corporation to the City Auditor's 2006-2007 work plan.

**5. City Process on Responding to No-Match Letters from the Social Security Administration.**

Documents Filed: Memorandum from Les White, City Manager, dated February 9, 2007 recommending acceptance of a report on the City's process on responding to no-match letters from Social Security Administration.

Action: The Committee deferred this item until March 7, 2006.

**6. Public Funded Campaigns (Voter-Owned Campaigns).**

Documents Filed: Memorandum from San Jose Elections Commission dated February 9, 2007 recommending to defer consideration of public financing of campaigns upon the Council's request to the Commission to research comprehensively the concept and current examples of public campaign funding.

Action: The Committee requested the San Jose Elections Commission present their recommendation to defer consideration of public financing of campaigns to the full Council on March 6, 2007.

**H. Public Records Act Requests**

**a. Review of Significant Public Records Act Request**

William Garbett said he had been denied records relating to Roberts Lane. When asked if he had filed a written request, he said he had not. The Chair referred Mr. Garbett to the City Clerk.

**b. Receive Public Concerns**

City Attorney Rick Doyle noted that the Mercury News requested documents related to Resources for Families and Communities and noted that his office was working with the City Manager to provide the response.

**I. Review of Council Policy Updates per Sunshine Reforms (PIR #12)**

None

**J. Open Forum**

Mark Trout expressed his desire to extend the open forum speaker time to 3 minutes.

**K. Adjournment**

The meeting was adjourned at approximately 3:15 p.m.



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David Cortese, Vice Chair  
Rules and Open Government Committee