



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 16, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmembers Constant and Liccardo
(arrived at 2:12 p.m.)

ABSENT: Councilmember Chirco

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White,
Redevelopment Agency Assistant Director Gary Miskimon, Agenda Manager
Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review May 22, 2007 Final Agenda

Action: The Committee approved the following additions to the May 22, 2007
Council Agenda:

- Item 1.6 (Commendation recognizing Robert Corpus and the Stories of Service Program) to be heard in the evening
- Item 10.1 was amended to include text amendment for property located at Highway 101 and Mabury Road.
- Item 10.5 General Plan Hearing amended to add June 5, 2007 hearing date
- Swearing in ceremony for District 3 Youth Commissioner, Claudia Flores, to be heard in the evening. (City Clerk)
- Readoption of Ordinances: Ord. No. 28007, Ord. No. 28010, and Ord. No. 28011
- It was noted that there had been a request to defer Item 3.6 (Federated Retirees and Police and Fire Retirees) deferred until June 19, 2007

2. Review of May 29, 2007 Draft Agenda

None – Meeting Canceled

B. Redevelopment Agency

1. Review May 22, 2007 Final Agenda

Action: The Committee approved the May 22, 2007 Redevelopment Agency Agenda.

- Item 7.1 changed to read: Approval of a Façade Improvement Program (FIP) Agreement, ...with Community Towers I, LLC; Community Towers II, LLC; and Community Towers IV, LLC...

2. Review May 29, 2007 Draft Agenda

None – Meeting Canceled.

3. Assign “Time Certain” for convening Redevelopment Agency Agenda

There were none.

C. Legislative Update

1. State

- (a) **AB 239 (DeSaulnier) – Discussion on Counties’ Right to Levy Increased Recording Fees to Fund Affordable Housing Development. (Housing)**
Documents Filed: 1) Supplemental Report from Housing Director Leslye Krutko dated May 14, 2007 regarding AB 239 – counties right to levy increased recording fees to fund affordable housing development; and 2) Memorandum from Housing Director Leslye Krutko dated May 2, 2007 regarding AB 239 – counties right to levy increased recording fees to fund affordable housing development

Action: The Committee agreed to take a “watch” position on this bill and send it to Council for approval on May 22, 2007.

- (b) **Adopt Support Position for House Resolution 243 (Smith) – Human Rights Reform in Vietnam**

Documents Filed: 1) Memorandum from Vice Mayor Cortese dated May 9, 2007 recommending adopting support position for House Resolution 243 – Human Rights in Vietnam; 2) Draft resolution entitled *A Resolution of the Council of the City of San Jose Supporting HR 243. calling on the government of the Socialist Republic of Vietnam to immediately and unconditionally release Reverend Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes.*

Action: The Committee authorized the Mayor to sign a letter in support of House Resolution 243 – Human Rights in Vietnam, and referred the issue to the City’s Human Rights Commission.

2. Federal
None.

D. Meeting Schedules
None.

E. The Public Record
Document Filed: Memorandum from Lee Price, City Clerk, dated April 27, 2007 transmitting the Public Record for the week of May 4 – May 10, 2007

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees
There were none.

G. Rules Committee Reviews, Recommendations and Approvals

1. Council Expenditures and Reimbursements

Documents Filed: 1) Memorandum from City Attorney Rick Doyle and City Clerk Lee Price dated May 11, 2007 regarding the meeting schedule for discussion of the Council Expenditure and Reimbursement Policy; 2) Memorandum from City Attorney Rick Doyle and City Clerk Lee Price dated April 20, 2007 regarding a Council Expenditure and Reimbursement Policy

Discussion: Staff presented an outline of the meeting schedule for discussion of the Council Expenditure and Reimbursement Policy and the Committee approved it. Discussion continued on the draft policy and issues summarized by Staff in the April 20, 2007 memo. Feedback was provided to Staff on admission to events, constituent outreach, and membership dues. The Committee defined the types of events that are permissible to be paid through the Council office budgets as “events sponsored by organizations that benefit the residents of San Jose that are not political or religious in nature”.

It was generally agreed that admission to an event may also include a guest (spouse or staff member), however additional discussion is warranted. The

Mayor pointed out that it is important to distinguish between when a contribution is being made to a non-profit as opposed to getting a personal benefit. The Committee suggested that staff review various bulletins distributed by the Internal Revenue Service (IRS) relating to tax-deductible contributions.

Discussion was held on the appropriate use of City funds for constituent outreach. The Committee agreed that token “give-aways” (refrigerator magnets, balloons, pencils) should clearly denote “paid for by the City of San Jose (or by public funds)” when paid for using Council Office budgets

The Committee also decided that City funds should not be used to pay for membership dues or professional polling. Brief discussion ensued regarding providing meals to constituents. It was agreed that “business lunches” were unacceptable public expenses, however it may be appropriate for Councilmembers to sponsor a meal at a neighborhood association meeting. The subject of community events in the district was raised. Staff agreed to bring back additional discussion about how to address certain “special events”.

Action: Discussion of “Food and Beverage” was continued to May 23, 2007.

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**
 - **Request for Transportation and Environment Committee Workplan Addition and Special Meeting for the Downtown Parking Management Plan Update.**

Document Filed: Memorandum from Deputy City Manager Ed Shikada requesting approval to add the Downtown Parking Management Plan update to the Transportation and Environment Committee Workplan and to set a special meeting on May 29, 2007 at 1:30 p.m.

Discussion: Department of Transportation Assistant Director Jim Ortbal responded to questions. Discussion was held on the possibility of having a joint venture parking project with the Santa Clara County court system and staff was asked to talk with Presiding Judge Kathryn Gallagher.

Action: The Committee approved the amended work plan and special meeting.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual update**
None.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 4:06 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee