

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 6, 2007

PRESENT: Vice Mayor Cortese, Councilmembers Chirco, Constant and Liccardo

ABSENT: Mayor Reed

STAFF: Assistant City Attorney Bill Hughes, City Clerk Lee Price, City Manager Les White, Redevelopment Agency Director Harry Mavrogenes, Agenda Manager Nadine Nader, Deputy City Manager Deanna Santana, Deputy City Manager Dan McFadden and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review June 12, 2007 Final Agenda

Action: The Committee approved the following additions to the June 12, 2007 Council Agenda:

- Presentation of a proclamation declaring June 12th Law Enforcement Support Personnel Day in recognition of the invaluable contribution of a civilian support personnel to the City of San José (Constant)
- Presentation of a proclamation declaring the week of June 11 through June 17, 2007 as United States Army Week in San José (Mayor)
- Presentation of a commendation to the United States Olympic committee for its support of the highest ideals of sports and its long partnership with the City of San José (Mayor)
- Item 4.2 (Professional Soccer Stadium site) not to be heard before 2:30 p.m.

2. Review of June 19, 2007 Draft Agenda

Action: The Committee approved the following additions to the June 19, 2007 Council Agenda:

- Appointment of District 4 Councilmember – Elect Kansen Chu and Oath of Office (Mayor)
- Item 4.8 (Evergreen Development Policy) to be heard in the evening

B. Redevelopment Agency

1. Review June 12, 2007 Final Agenda

There were none.

2. Review June 19, 2007 Draft Agenda

- Item 8.3 (Acceptance of the disclosure of property interest by Boardmember Sam Liccardo and direction that the disclosure be entered into the public minutes of the Redevelopment Board meetings) was added to the agenda.

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

There were none.

C. Legislative Update

1. State

- (a) **AB 1030 (Caballero) Libraries: Literacy and English Acquisition Services**
Document Filed: Memorandum from City Librarian Jane Light dated May 29, 2007 recommending City support of AB 1030 – Libraries: Literacy and English Acquisition Services and request to augment the State Library’s CEALS program budget by \$2 million dollars to support an initiative to provide adult basic literacy services to young adults age 16 and over who are not enrolled in school.

Discussion: Library Assistant to the Director Kary Bloom and Interim City Manager Les White responded to questions.

Action: The Committee approved this item with a one-week turn around for Mayor and City Council review.

- (b) **Propositions 1E and 84**

Document Filed: Memorandum from Deputy City Manager Deanna Santana dated May 30, 2007 recommending acceptance of the status report on Propositions 1E and 84; authorize staff to pursue legislation and regulations that supports the City’s ability to acquire funding from Propositions 1E and 84; and authorize support for the Santa Clara Valley Water District’s positions on legislation and regulations relating to Proposition 1E and 84.

Discussion: Santa Clara Valley Water District (SCVWD) Representative Candace Kwok – Smith responded to questions raised by Vice Mayor Cortese and Councilmember Liccardo requested that Martin Park be added to the priority list.

Action: The Committee accepted the report, directed staff to work with Parks, Recreation and Neighborhood Services on the priority list, and directed staff to do a one-week turn around.

2. Federal

None.

D. Meeting Schedules

None.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk, dated June 1, 2007 transmitting the Public Record for the week of May 25 – May 31, 2007.

Action: The Committee noted and filed the Public Record Items A through C and Item D was continued to the June 13, 2007 Rules and Open Government Committee meeting to allow the City Clerk to verify the number of signatures on the citizens petition entitled “Please help save Down Town Hog Dogs”.

F. Appointments to Boards, Commissions and Committees

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Smoking Prohibition in City Parks

Documents Filed: Memorandum from Vice Mayor Cortese and Councilmember Nguyen dated May 31, 2007 recommending staff to prepare a draft ordinance amending the San Jose Municipal Code section 9.44.030 to include the prohibition of smoking in City parks.

Discussion: Interim City Manager Les White requested that a cost analysis be done to determine the cost of signage at the parks.

Action: The Committee referred this item to the Parks and Recreation Commission for recommendation to the Rules and Open Government Committee in September.

2. Request for Workload Assessment

Document Filed: Memorandum from Vice Mayor Cortese and Councilmember Chirco dated May 31, 2007 requesting a workload assessment for Youth Commission members.

Discussion: Parks, Recreation and Neighborhood Services Director expressed concern on Youth Commissioner’s schedule on requiring them to attend City Council meetings along with their Commission duties. Councilmember Chirco concurred with Mr. Balagso’s concern, cautioned amending the work plan, and included concern about the number of City staff currently available to the Commission.

Action: The Committee referred this item back to staff for a workload assessment. Staff was encouraged to get feedback from the Youth Commission and, further, to consider flexible options. The Committee asked staff to return to the Rules and Open Government Committee on June 20, 2007.

3. Authorization to Travel

Document Filed: Memorandum from Mayor Reed dated June 1, 2007 requesting authorization to travel to Washington, DC on June 6-10, 2007 for the Silicon Valley Leadership Group trip/scheduled meetings with Federal elected officials.

Action: The Committee approved the travel request.

4. Council Expenditures and Reimbursement

CONTINUED FROM MAY 23, 2007

DEFERRED TO JUNE 13, 2007, PER THE MAYOR

H. Review of additions to Council Committee Agendas

1. Community and Economic Development Committee

• **Add item to the CEDC Work Plan Agenda for June 25, 2007**

Document Filed: Memorandum from City Manager's Office Economic Development Director Paul Krutko requesting to add the recommendation of the Arts Commission regarding the Arts Stabilization Loan Fund to the June 25, 2007 meeting agenda to the Community and Economic Development Committee.

Action: The Committee amended the Workplan as recommended.

2. Neighborhood Services and Education Committee

3. Transportation and Environment Committee

4. Request for Transportation and Environment Committee Workplan

I. Open Government Initiatives

1. Reed Reforms

2. Sunshine Reform Task Force

• **Meeting Schedule for Discussion of SRTF Phase 1 Report**

Documents Filed: 1) Memorandum from Deputy City Manager Dan McFadden dated May 31, 2007 regarding the meeting schedule for discussion of Sunshine Reform Task Force (SRTF) Phase 1 Report; 2) Sunshine Reform Task Force Phase 1 Report and Recommendations May 2007; and 3) Memorandum from Deputy City Manager Dan McFadden requesting staff's preliminary response to the SRTF Phase 1 Report and Recommendations and directing staff to conduct outreach and solicit feedback on the SRTF Phase 1 Report and Recommendations.

Discussion: Senior Executive Analyst Sheila Tucker summarized the schedule for discussion of the SRTF Phase 1 Report. Ms. Tucker also noted that the Mayor submitted a second memorandum slightly changing the discussion meeting schedule. Dean Munro from the Mayor's Office clarified that the Mayor requested that the section on Public Meeting Provisions be heard prior to the Closed Session Provisions.

City Manager's Office Public Outreach Manager Tom Manheim gave a presentation on the Public Information portion of the report. Councilmember Constant expressed concern on section 4.1d of the report regarding employee speech stating City employees are already in a position where they must remain neutral. Mr. Manheim stated that the City already has a policy put in place to regulate City employee speech during work hours.

Discussion was held on the Mayor's recommendation on Item 4.2 regarding the Public Review File. Discussion ensued on public access to Council office and Department Head correspondence.

Action: The Committee directed staff to schedule a special Rules and Open Government Committee study session by the end of June. (Note: The Special Meeting was later set for June 27, 2007 @ 8:30 a.m.)

3. Significant Public Records Act Requests

4. Council Policy Manual Update

- **Approval to Validate Selected Policies Contained in the City Council Policy Manual**

Document Filed: Memorandum from Deputy City Manager Deanna Santana dated June 1, 2007 recommending approval to validate Policy No. Policy 7-6 and Policy 8-1 in the City Council Policy Manual.

Action: The Committee approved the staff recommendation.

J. Open Forum

- Sunshine Reform Task Force Chair Ed Rask requested to have the City Policy Manual be placed on the City of San Jose website.

K. Adjournment

The meeting was adjourned at 4:16 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee