

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 30, 2007

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

ABSENT: Councilmember Constant

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, Interim Deputy City Manager Dan McFadden and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review June 5, 2007 Final Agenda

Action: The Committee approved the following additions to the June 5, 2007 Council Agenda:

- Item 3.6 (Elections Commission recommendation to change special eligibility requirement) not to be heard before 4:00 p.m.
- Item 3.6 interview one applicant for the Elections Commission attorney representative) not to be heard before 4:00 p.m.

2. Review of June 12, 2007 Draft Agenda

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

- Request for excused absences for Councilmember Constant. (Constant)
- Request for an excused absence for Councilmember Cortese. (Cortese)
- Request for an excused absence for Mayor Reed. (Reed)
- Request for an excused absence for Councilmember Oliverio. (Oliverio)
- Item 2.5 (Approval of the implementation of Workforce Investment Act Programs and Project for 2007-2008) was deferred to June 19, 2007.
- Discussion of Kaiser Permanente (Santa Clara Service Area) Hospital Relocation.
- Item 9.4 (Approval of 2007-2008 Sewer Service and Use Charges, Storm Service Charges, and the Municipal Water System Charges) was noticed to be heard on June 5, 2007.

B. Redevelopment Agency

1. Review June 5, 2007 Final Agenda

There were none.

2. Review June 12, 2007 Draft Agenda

There were none.

3. Assign "Time Certain" for convening Redevelopment Agency Agenda

There were none.

C. Legislative Update

1. State

(a) SB 966 (Simitian and Kuehl) Pharmaceutical Drug Disposal

Document Filed: Memorandum from Environmental Services Director John Stufflebean dated May 22, 2007 recommending support for Senate Bill 966, authorizing a letter of support, and authorizing Environmental Services staff to participate as technical resources during the development of future legislation on pharmaceutical or drug disposal.

Discussion: Director of Intergovernmental Relations Betsy Shotwell gave an overview of SB 966 and recommended that the Committee approve it. Councilmember Chirco expressed her support on this bill and urged the committee to do so. Vice Mayor Cortese stated that the City was not receiving all the information on current legislation that will affect municipalities and requested that an updated bill matrix be provided to the Council.

Director of Intergovernmental Relations Shotwell stated that the City of San Jose Lobbyist Roxanne Miller was enroute to City Hall and would be providing an update to the Committee when she arrived.

Action: The Committee approved the staff recommendation and requested that the item go to the full Council at the June 5, 2007 Council meeting for approval.

2. Federal

None.

D. Meeting Schedules

1. Council Meeting Schedule August 2007 – January 2008

Document Filed: Memorandum from Agenda Manager Nadine Nader dated may 24, 2007 recommending approval of the City Council Meeting Scheduled for the period of August 2007 to January 2008.

Action: The Committee approved the meeting schedule.

- 2. (1) Review two proposed meeting formats as presented by the Independent Police Auditor and the Administration; (2) Approve one of the proposed formats, or a hybrid of the two proposals, for a Special Council Meeting scheduled for June 21, 2007, beginning at 6:00 p.m., in the City Council Chambers for consideration of various police related reports.**

Documents Filed: 1) Memorandum from Deputy City Manager Deanna Santana dated May 25, 2007 recommending approving one of two proposed formats, or a hybrid of the two formats, for a Special Council Meeting scheduled on June 21, 2007; and 2) Memorandum from Independent Police Auditor Barbara Attard dated May 24, 2007 recommending revising the order of presentations as suggested in the City Manager's Memo to the Rules and Open Government Committee.

Discussion: Independent Police Auditor Barbara Attard requested that the agenda be formatted to hear have the reports be heard as four separate, distinct reports and that the Public Comments be heard earlier in the agenda instead of at the end to allow public comment be heard prior to Council discussion. Interim City Manager Les White clarified that the reports were interrelated and felt having the Public Comments at the end would be a more efficient use of time at the meeting.

Public Comment: Raj Jayadev, Coalition for Justice and Accountability, and Nancy Freeman spoke in favor of hearing public testimony before Council takes any action.

Action: The Committee approved the agenda prepared by the City Manager, as amended by moving the Public Comment before Council discussion and direction.

C. Legislative Update (continued)

1. State

The Committee continued discussion on this item. City of San Jose Lobbyist Roxanne Miller provided an update on the current legislation regarding the budget that includes issues relating to maintaining the protection of the City's local property taxes, Proposition 42, and protection of local revenues.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk, dated May 25, 2007 transmitting the Public Record for the week of May 18 – May 24, 2007

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Amendment to the Residency Requirement of the News Media Member of the Sunshine Reform Task Force and Appointment of Bert Robinson to the Sunshine Task Force.

Document Filed: Memorandum from Mayor Chuck Reed dated May 23, 2007 recommending amending the membership criteria of the Sunshine Reform Task Force to exempt the News Media representative from the residency requirement and appoint Bert Robinson to the Sunshine Reform Task Force.

Action: The Committee approved the amendment to the membership criteria and the appointment of Bert Robinson to the Task Force and moved the item to the full Council on June 12, 2007.

G. Rules Committee Reviews, Recommendations and Approvals

1. Approve Travel Request

Documents Filed: Memorandum from Mayor Chuck Reed dated May 24, 2007 requesting authorization to travel to Austin, TX, on October 10-12, 2007 for the San José/Silicon Valley Chamber of Commerce City-to-City trip. Source of Funds: Mayor/Council Travel Fund.

Discussion: Councilmember Chirco withdrew her request to go on this trip so that the Mayor could go instead. She will remain on stand-by, if need be.

Action: The Committee approved the travel request.

2. Historic Freedom Shrine Display

Document Filed: 1) Memorandum from Mayor Chuck Reed dated May 21, 2007 directing City Staff to display a collection of 30 historically significant documents known as the Freedom Shrine, at a location on the first floor of the City Hall Wing outside of Committee Room 120.

Action: The Committee approved this item.

3. Approve the use of the District 4 Special Event Fund and to Acknowledge the Receipt of and use of various donations in support of the CommUnity Resource Fair to be held on Sunday, June 3, 2007 in the City Hall Civil Plaza and Rotunda.

Document Filed: Memorandum from City Clerk Lee Price dated May 25, 2007 recommending approval of the use of District 4 Special Event funds and acknowledging receipt of and use of various donations in support of the CommUnity Resource Faire on June 3, 2007.

Action: The Committee approved 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**

I. Open Government Initiatives

- 1. Reed Reforms**

CONVENE SUNSHINE REFORM TASK FORCE TO CONSIDER ITEM. 1.2(a) IN A JOINT SESSION

2. Sunshine Reform Task Force

(a) Phase 1 Report and Open Government Recommendations

Documents Filed: 1) Memorandum from Interim Deputy City Manager Dan McFadden dated May 23, 2007 providing documents relating to the Sunshine Reform Task Force (SRTF) Phase 1 Report and Recommendations; 2) Report of the Sunshine Reform Task Force to the San José City Council dated May 2007; and 3) Memorandum from Dan McFadden dated May 23, 2007 recommending acceptance Staff's preliminary response to SRTF's report and directing staff to conduct outreach and solicit feedback on the report and to report back to Council in September 7, 2007 for adoption and implementation.

Discussion: Discussion was held about the Sunshine Reform Task Force Phase I Recommendations. Sunshine Reform Task Force Chair Ed Rast summarized the work of the Task Force and stated that the Task Force looked at the public's need to obtain information and the City's administrative and budgetary challenges. The Committee agreed that the list of "policy bodies" was too long and requested that the Task Force clarify which bodies it intended to be considered "policy bodies". Discussion continued on the "definition" section of the draft ordinance and the Committee concurred that the language was not clear and confusing. Vice Mayor Cortese stated that some of the recommendations could be moved forward faster than others.

Public Comments: Gerry De Young, Vice President of Public Policy, San Jose/Silicon Valley Chamber of Commerce, urged the Committee to consider unintended consequences.

James Chadwick spoke in favor of the Task Force's recommendations in the Public Meetings portion of the draft ordinance.

Margie Matthews, Sunshine Reform Task Force member, cautioned against jeopardizing partnerships with businesses and nonprofits of 20 years or more by creating new burdens.

Action: The Committee continued this item until June 6, 2007 with the direction to staff to go back to the Sunshine Reform Task Force and get greater clarity around the list of “policy bodies”.

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3. Significant Public Records Act Requests

4. Council Policy Manual Update

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

Documents Filed: Memorandum from Deputy City Manager Deanna Santana dated May 25, 2007 recommending validating Policy Nos. 6-29, 6-31, and 7-5 in the Council Policy Manual and moving forward to Council for adoption of a resolution.

Action: The Committee approved this item.

J. Open Forum

Yolanda Reynolds from Save BAREC submitted a reponse to the Committee’s questions and urged the Committee to put the open space land on Winchester across from Valley Fair on the City Council agenda.

Adjournment

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

Chuck Reed, Mayor
Rules and Open Government Committee