



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 20, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmembers Constant and Chirco
(excused herself at 3:54 p.m.)

ABSENT: None

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

A. City Council

1. Review June 26, 2007 Final Agenda

Action: The Committee approved the following additions to the June 26, 2007
Council Agenda:

- Recognition of local leaders' support for the East Bay Leadership Foundation (Constant)
- Approval of Councilmember Nguyen's travel to India and Pakistan for the American Council of Young Political Leaders International Exchange Program from November 30, 2007 to December 14, 2007 (Nguyen)
- Approval to name a new park located on Communications Hill at the intersection of Senhorina Street and Adeline Avenue as Vieira Park (City Clerk)
- Presentation of a commendation to the San Jose Convention and Visitors Bureau and the Santa Clara Chamber of Commerce and Convention – Visitors Bureau (Cortese)
- Presentation of a commendation to the 76th Grand Chapter of the Sigma Chi International Fraternity held June 28 to June 30, 2007 (Campos)
- Approval of Councilmember Campos' travel to attend the League of California Cities 2007 Annual Conference Exposition in Sacramento from September 5, 2007 to September 8, 2007 (Campos)
- Dropping of item 2.38 from June 26, 2007 Council Agenda (Reed and Chu)

- Item 7.3 (Household Hazardous Waste Collection Facility) not to be heard before 4:30 p.m.

2. Review of July 3, 2007 Draft Agenda
NONE – MEETING CANCELED

B. Redevelopment Agency

1. Review June 26, 2007 Final Agenda
There was none.

2. Review July 3, 2007 Draft Agenda
NONE – MEETING CANCELED

3. Assign “Time Certain” for convening Redevelopment Agency Agenda
There was none.

C. Legislative Update

1. State

- (a) **2007-08 State Budget: Proposition 42 Funding and the Public Transportation Account (PTA) Transit “Spillover” Funds**
Document Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell and City of San Jose Lobbyist Roxanne Miller dated June 15, 2007 recommending that the City oppose any change to the Proposition 42 formula allocations or formula splits.

Action: The Committee accepted the report, and placed this item on the Consent Calendar for approval at the June 26, 2007 meeting

- (b) **SB 1021 (Padilla) Beverage Containers: Grants**
Document Filed: Memorandum from Environmental Services Director John Stufflebean dated June 11, 2007 recommending support of Senate Bill 1021, drafting a letter of support, directing staff to pursue amendments to SB 1021, and authorize Environmental Services staff to participate as technical resource during the development of future legislation.

Action: The Committee approved the support position and placed this item on the Consent Calendar for approval at the June 26, 2007 meeting.

2. Federal

(a) Update on San Jose Federal Relations Activities

Document Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell dated June 15, 2007 recommending acceptance of the report from City's Federal lobbyist firm Patton Boggs, LLP.

Discussion: The Mayor commended the work of the City's Federal lobbyist, Patton Boggs, LLP, and thanked them for their help and coordination during his visit to Washington, DC.

Action: The Committee accepted the report.

D. Meeting Schedules

1. Rules and Open Government Committee Summer Meeting Schedule

Document Filed: Memorandum from City Clerk Lee Price dated June 23, 2004 recommending cancellation of Regular Meetings of July 4, 11, 18, 2007 and August 1, 2007 and schedule Rules-in-Lieu meetings for July 25, 2007 and August 1, 2007 at 2 p.m. in the Office of the City Clerk

Action: The Committee approved the schedule change.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk, dated June 15, 2007 transmitting the Public Record for the week of June 8 – June 15, 2007

Discussion: Councilmember Constant requested that an additional letter from Values Advocacy Council dated June 16, 2007 be entered into the record and asked City Attorney Rick Doyle to clarify the difference between reconsidering and revisiting a motion taken in Closed Session. Discussion ensued.

Action: The Committee noted and filed the Public Record and continued the letter from Values Advocacy Council to the August 8, 2007 Rules and Open Government Committee meeting for further discussion.

F. Appointments to Boards, Commissions and Committees

1. Appointments to the following Commissions: 1) Airport Commission; 2) Advisory Commission; 3) Art Commission; 4) Disability Commission; 5) Early Care and Education Commission; 6) Housing and Community Development Advisory Commission; 7) Library Commission; 8) Parks and Recreation Commission; and 9) Senior Citizens Commission

Documents Filed: 1) Memorandum from Mayor Reed dated June 14, 2007 recommending appointment of John Salah and Frank Sweeny to the Airport Commission; 2) Memorandum from Councilmember Campos dated June 13, 2007 recommending appointment of James Bojorquez to the Advisory Commission on Rents; 3) Memorandum from Councilmember William dated June 13, 2007 recommending appointment of Michael Bernier and Charles Lauer to the Arts Commission; 4) Memorandum from Councilmember Pyle dated June 14, 2007 recommending appointment of Erik Keading, Jackie Jean O'Donnell, and Randy Tamez to the Disability Advisory Commission; 5) Memorandum from Councilmember Chirco dated June 13, 2007 recommending appointment of Mayra E. Cruz to the Early Care and Education Commission; 6) Memorandum from Councilmember Nguyen dated June 6, 2007 recommending appointment of Tamon Norimoto and Bonnie Annetta Mace to the Housing and Community Development Advisory Commission; 7) Memorandum from Councilmember Nguyen dated June 5, 2007 recommending appointment of Jennifer Lindsay Candelas and Hoa (Mike) Thai Nguyen to the Library Commission; 8) Memorandum from Councilmember Pyle dated June 14, 2007 recommending appointment of Erik Karsten to the Parks and Recreation Commission; and 9) Memorandum from Councilmember Constant dated June 14, 2007 recommending appointment of Fountleroy Nguyen to the Senior Citizens Commission.

Action: The Committee approved the appointments with a one-week turn around for Mayor and City Council approval at the June 26, 2007 Council Meeting.

2. Re-appointment to the Bay Area Water Supply and Conservation Agency

Document Filed: Memorandum from Mayor Chuck Reed dated June 14, 2007 recommended his appointment to the Bay Area Water Supply and Conservation Agency

Action: The Committee approved the reappointment.

G. Rules Committee Reviews, Recommendations and Approvals

1. Council Expenditures and Reimbursement Policy

CONTINUED FROM JUNE 13, 2007

Documents Filed: Memorandum from City Attorney Rick Doyle and City Clerk Lee Price dated June 8, 2007 recommending approval of the draft Council Expenditure and Reimbursement Policy

Discussion: City Clerk Lee Price gave an overview of the policies and guidelines that have previously been discussed. Discussion was held on grants and the Committee agreed that grants less than \$250 should not need to go through the grant process but instead be streamlined. Discussion was also held on the definition of a gift and the Committee agreed that a gift is anything over \$50. The Committee also agreed to add “gifts of nominal value” (tokens of appreciation like flowers) as a sub-category under “Constituent Outreach”. Discussion on the unauthorized expenditure of public funds followed and the Committee acknowledged that there were conflicting statements regarding family expenses and directed staff to clarify those statements. The Committee discussed advertising and agreed City standards should apply to any ads placed by elected officials. Staff was requested to provide to the Mayor/Council Offices appropriate templates, logos and/or examples to follow. Councilmember Constant requested that a “Frequently Asked Questions” sheet be prepared during the implementation phase to provide guidance about practical applications of the policy provisions.

Action: The Committee approved staff’s recommendation to forward the policy on to the full Council as modified.

2. Del Monte Park Master Plan

Document Filed: Memorandum from Councilmember Oliverio dated June 6, 2007 recommending directing staff to implement a restroom and dog run on Phase 1 of the 2.2 acre Del Monte Park project

Discussion: Deputy City Manager Ed Shikada reported that the request from Councilmember Oliverio establishes requirements for ongoing work and recommended forwarding the matter on to the full Council.

Public Comment: Michael LaRocca, Helen Chapman, Ken Henning, and Sally Henning spoke in favor.

Action: The Committee referred this item to the full Council on August 14, 2007, in the evening.

3. Recent Work and Status of the Parks Maintenance Funding Subcommittee

Document Filed: Memorandum from Parks Maintenance Funding Subcommittee Chair Jim Zito, Parks and Recreation Commission Chair Helen Chapman and Planning Commission Chair Xavier Campos dated June 11, 2007 reporting on the recent work and status of the Parks Maintenance Funding Subcommittee

Discussion: PRNS Acting Assistant Director Julie Mark stated that the staff has provided support to the subcommittee and that the report is ready to go to Council for further direction. Councilmember Chirco requested that staff speak with other departments on the subcommittee recommendations and determine what changes could affect the public.

Action: The Committee moved this item to the August 7, 2007 Council meeting as a status report from the Parks Maintenance Funding Subcommittee and, further, recommended a study session for further discussion/consideration.

4. Request for Travel

Document Filed: Memorandum from Councilmember Campos dated June 6, 2007 requesting authorization to travel to Monterey, CA on July 27 – 28, 2007 for the League of California Cities Board of Directors meeting.

Action: No action required.

5. Approve the following proposed Committee Workplans:

• Transportation and Environment Committee

Document Filed: Memorandum from Mayor Reed and Councilmember Williams submitted a proposed workplan for the Transportation and Environment Committee.

Discussion: Chief Deputy City Manager Kay Winer stated that there are four additions to the work plan, which include: in September, trail development and grant priorities; in November, Parks, Recreation and Neighborhood Services added the American with Disabilities Act sidewalk transition; in November, permit process and new requirements from Environmental Services; and in December, solid waste system redesign and enhancement options from Environmental Services. Chief Deputy City Manager Winer also noted there is a conflict in the Transportation and Environment Committee September meeting on September 24, 2007 and is looking at a tentative date for September 17, 2007.

Action: The Committee approved the workplan.

- **Community and Economic Development Committee**

Document Filed: Memorandum from Mayor Reed and Councilmember Pyle recommending approval of the Community and Economic Development workplan for the period of August through December 31, 2007

Action: The Committee approved the workplan.

- **Public Safety, Finance and Strategic Support Committee**

Document Filed: Memorandum from Mayor Reed and Councilmember Nguyen dated June 14, 2007 recommending approval of the Public Safety, Finance and Strategic Support workplan for the period of August through December 2007.

Discussion: Chief Deputy City Manager Kay Winer stated that there are minor changes to the workplan, which include adding to the August 16, 2007 meeting the City Clerk's technology update; the September 20, 2007 Downtown Work Group Quarterly Update, the group will not be making any presentations but will go back to Council with a report; the November 15, 2007 meeting will only have three reports; and the December 20, 2007 meeting will include the City Service Area activities, Public Safety, and the PRNS registration software.

Action: The Committee approved the workplan with changes.

- **Neighborhood Services and Education Committee**

Document Filed: Memorandum from Mayor Reed and Councilmember Chirco recommending approval of the Neighborhood Services and Education Committee workplan for the period of February through June 30, 2007

Action: The Committee approved the workplan.

- **Rules and Open Government Committee**

Document Filed: Memorandum from Mayor Reed dated January 25, 2007 recommending approval of the Rules and Open Government Committee workplan for the period of February through June 2007.

Action: The Committee approved the workplan.

6. Code of Conduct for Public Participation

Document Filed: Memorandum from City Clerk Lee Price dated June 14, 2007 recommending approval of a Code of Conduct for persons attending public meetings in the City Council Chambers

Discussion: Mayor Reed recommended changing the reference to the “Mayor” to “Presiding Officer”. The Committee agreed that the Code of Conduct rules be applied to meetings held in the Council Chambers and Committee Rooms and the rules should apply to boards and commissions as well.

Public Comment: Kerry Hamilton suggested that the audience be allowed to wave their hands or stand in support in order to avoid disruption.

Action: The Committee approved staff recommendation, as modified.

7. Approval of an amendment to Resolution No. 73586 (Rules of Conduct of City Council Meetings) to clarify rules governing authority to enforce disorderly conduct provisions

Document Filed: Memorandum from Mayor Reed dated June 15, 2007 recommending directing the City Attorney to review and amend Resolution No. 73586 to replace “Mayor” with “Mayor or Chairperson” where applicable

Action: The Committee approved this item.

8. Workload assessment regarding proposed changes to the operations of the City of San Jose Youth Commission

Document Filed: Memorandum from Parks, Recreation and Neighborhood Services Director Albert Balagso dated June 13, 2007 recommending approval of the workload assessment prepared by staff regarding the impact associated with the implementation of proposed changes to the Youth Commission

Discussion: Vice Mayor Cortese and Councilmember Chirco reported they planned to meet with new commissioners and discuss what they want from the Commission. Councilmember Chirco added that they would also meet with Parks, Recreation and Neighborhood (PRNS) staff to the Youth Commission. PRNS Deputy Director Cynthia Bojorquez agreed to work with the Council Offices to start implementation of the changes to the Youth Commission.

Action: The Committee approved this item and directed staff to work with the Mayor and Council Offices. This item will be heard at the August 14, 2007 Council meeting.

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**

There were none.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force**
- 3. Significant Public Records Act Requests**

- **Response from the City Attorney regarding request from Paul J. Manley for information regarding Delinquent Notices/Inspection Practices from Planning, Building and Code Enforcement Department**
Documents Filed: 1) Correspondence from Paul J. Manley dated June 4, 2007; and 2) Memorandum from City Attorney Rick Doyle dated June 18, 2007 responding to Paul J. Manley's request for public documents

Discussion: Planning, Building and Code Enforcement Deputy Director Mike Hannon reported that Mr. Manley's request was for information, not records, and explained he was working with the City Attorney to respond to all of Mr. Manley's requests.

Action: No action was taken.

4. Council Policy Manual Update

There was none.

J. Open Forum

There was none.

K. Adjournment

The meeting was adjourned at 4:04 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee