



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 19, 2008

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmember Chirco.

ABSENT: Councilmember Constant

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review of November 25, 2008 Final Agenda.

None-Meeting Canceled.

2. Review of December 2, 2008 Draft Agenda.

Action: The Committee approved the December 2, 2008 City Council Final Agenda with the following additions:

- Items 5.3 (Community Sports Field) and 5.4 (Approve SNI's Spartan Keyes Neighborhood Improvement Plan Amendment) to be heard first in the evening session.
- Presentation of a commendation to the Leland Robotics Team. (Pyle)
- Councilmember Campos' travel to San Francisco, CA. (Campos)
- Excused absence for Councilmember Nguyen. (Nguyen)

B. Redevelopment Agency

1. Review of November 25, 2008 Final Agenda.

2. Review of December 2, 2008 Draft Agenda.

Action: The November 25, 2008 meeting was canceled and December 2, 2008 was recommended to be canceled.

C. Legislative Update

1. State

- a. Sacramento Update (verbal report).
There were no updates.

2. Federal

There were no updates.

D. Meeting Schedules

1. Approval to set a Special City Council Meeting on January 20, 2009 to interview applicants to City Commissions.

Documents Filed: Memorandum from City Clerk Lee Price dated November 13, 2008 recommending to set a special City Council meeting for Tuesday, January 20, 2008.

Action: The Committee agreed to set the special City Council meeting as recommended.

2. Approval of Revised Council Study Session Schedule for Jan-June 2009.

Documents Filed: Memorandum from Deputy City Manager Deanna Santana dated November 13, 2008 recommending approval of the revised Study Session Schedule for the period of January to July 2009.

Action: The Committee approved the revised schedule.

3. Approval to set a Green Vision Study Session on February 6, 2009.

Documents Filed: Memorandum from Deputy City Manager Ed Shikada dated November 12, 2008 recommending Green Vision Annual Report presentation to Council in a special session on February 6, 2009.

Action: The Committee agreed to set the study session as recommended.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated November 14, 2008, transmitting items for the Public Record for the period of November 6-13, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Board, Commissions and Committee

1. **Recommend appointment of Kaushik Joglekar to the Early Care and Education Commission to a term ending June 30, 2011.**
2. **Recommend re-appointments of Kulwant Singh and David Parker to two terms ending December 31, 2011, and approve appointments of Andrae Macapinlac, Matthew Salcido and Donald Young to the Human Rights Commission for three terms ending December 31, 2011.**
3. **Recommend re-appointment of Bobby Yount to the remainder of a vacant, unexpired term ending June 30, 2009 on the Arts Commission.**
4. **Recommend appointment of Robert Bailey to a term ending December 31, 2011, Hassan Kahn to an unexpired term ending December 31, 2010 and Dan Wagner to an unexpired term ending December 31, 2009 on the Advisory Commission on Rents.**

- 5. Recommend appointment of Patrick Hall to an unexpired term ending June 30, 2009 and Bob Gill to an unexpired term ending June 30, 2010 on the Senior Citizens Commission.**

Documents Filed: (1) Memorandum from Councilmember Chirco dated November 13, 2008 recommending the appointment of Kaushik Joglekar to the Early Care and Education Commission; (2) Memorandum from Councilmember Chu dated November 12, 2008 recommending re-appointment of Kulwant Singh and David Parker and the appointment of Andrae Macapinlac, Matthew Salcido, and Donald Young to the Human Rights Commission; (3) Memorandum from Councilmember Williams dated November 14, 2008 recommending the re-appointment of Bobby Yount to an unexpired term ending June 30, 2009 on the Arts Commission; (4) Memorandum from Councilmember Campos dated November 13, 2008 recommending the appointment of Robert Bailey, Hassan Kahn and Dan Wagner to the Advisory Commission on Rents. (5) Memorandum from Councilmember Constant dated November 14, 2008 recommending the appointment of Patrick Hall and Bob Gill to the Senior Citizens Commission.

Action: The Committee approved all recommended re-appointments and appointments to various Commissions.

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Accept status report on the Streetlight Shutoff Program.**

Documents Filed: Memorandum from Director of Transportation James Helmer and Police Chief Robert Davis dated November 12, 2008 recommending acceptance of status report of the Streetlight Shutoff Program.

Action: The Committee accepted the status report.

H. Review of additions to Council Committee Agenda

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**

There were none.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
 - Review of SRTF Phase II Report and Recommendations**
 - a. SRTF Phase II Report and Recommendations.**
 - b. Staff's Response to Phase II Report and Recommendations of the SRTF.**
 - c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**

d. Correspondence from Task Force

Documents Filed: (1) Correspondence from Bert Robinson, Chair SRTF regarding the "balancing test". (2) Correspondence from Bob Davis regarding the Balancing Test. (3) Letter from First Amendment Coalition, Peter Scheer dated November 17, 2008 regarding the "balancing test".

The Committee discussed the SRTF's recommendations regarding public records, and specifically the recommendation that no records may be withheld on the basis of the "balancing test" or because disclosure would reveal or interfere with the City's deliberative process (with some exceptions).

Public Comments: Bert Robinson and Ed Rast (SRTF Members), Bob Davis (Mayor, City of Milpitas), James Chadwick (Mercury News) spoke in favor of the SRTF recommendations to eliminate the "balancing test".

There was no action. The Committee agreed to continue discussion in January, 2009.

3. Significant Public Records Act Requests

4. Council Policy Manual Update

There were none.

J. Open Forum

None were presented.

K. Adjournment

The meeting was adjourned at 4:05 p.m.



Mayor Chuck Reed
Rules and Open Government Committee