



RULES AND OPEN GOVERNMENT COMMITTEE
Meeting Report
December 10, 2008

PRESENT: Mayor Reed, Council Members Constant and Chirco

ABSENT: Vice Mayor Cortese

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 December 16, 2008 Final Agenda.

Action: The Committee approved the December 16, 2008 Council agenda with following amendments:

- Closed session to begin at 8:30 a.m.
- Regular City Council Meeting to begin at 10:30 a.m.
- City Council and Redevelopment Agency Committee Appointments.
- Appointment of Councilmember-Elect Rose Herrera.
- Presentation of the Energy Alternative Chanukah Menorah.
- Request excused absences for Councilmember Constant.
- Item 4.1 (Willow Glen Community Benefit and Improvement District Hearing and Election) immediately following item 11.2 (Evergreen East Hills Development).
- Item 5.3 (Discussion on and consideration of a Citywide Inclusionary Housing Ordinance) not to be heard until January 2009.
- Item 9.1 (Guidelines for Capital Improvement Projects with Annual Operating and Maintenance (O&M) Costs in the General Fund) deferred to January 13, 2009.

2. Review of December 23, 2008 Draft Agenda.
None-Meeting Cancelled.

B. Redevelopment Agency

1. Review of December 16, 2008 Final Agenda.
2. Review of December 23, 2008 Draft Agenda.

Action: The Committee approved the December 16, 2008 Redevelopment Agency meeting agenda with the following action:

- 8.4 it is recommended that (a) The City Council adopt a resolution authorizing the city Manager to negotiate and execute a Cooperation Agreement with the Redevelopment Agency, allowing the Executive Director of the Agency to complete and submit an application to the State Housing and Community Development Department to expand the current Enterprise Zone on behalf of the City; and (b) The San Jose Redevelopment Agency Board adopt a resolution authorizing the Executive Director to negotiate and execute a Cooperation Agreement with the City of San Jose, allowing the Redevelopment Agency to complete and submit an application to the State Housing and Community Development Department and to administer the Enterprise Zone on behalf of the City, and making certain findings required by redevelopment law.
- December 23, 2008 meeting has been canceled.

C. Legislative Update

1. State

a. **Sacramento Update (verbal report).**

City Lobbyist Roxanne Miller provided an update on the current State budget deficit situation.

2. Federal

There were no updates.

D. Meeting Schedules

1. **Amended Schedule for Review of Remaining Sunshine Reform Task Force Phase II Recommendations.**

Documents Filed: Memorandum from Communications Director Tom Manheim dated December 3, 2008 recommended approval of amended schedule for review of remaining Sunshine Reform Task Force Phase II Recommendations.

Action: The Committee approved the recommended schedule.

2. **2009-2010 City Budget Calendar and Budget Study Session Schedule.**

Documents Filed: Memorandum from Jennifer A. Maguire dated December 4, 2008 recommended adoption of 2009-2010 City Budget Calendar and Budget Study Session Schedule.

Action: The Committee approved the recommended schedule.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated December 5, 2008, transmitting items for the Public Record for the period of November 24 – December 4, 2008.

Action: The Committee noted and filed the Public Record with the exception of item (a), Letter from the Senior Commission, which was referred to the City Clerk; and item (b), Letter from Fountain Alley, LLC, which was referred to the City Attorney.

F. Appointments to Board, Commissions and Committee

1. **Approve work2future Board Nomination.**

Documents Filed: Memorandum from Mayor Chuck Reed dated December 4, 2008 recommended to approve appointment of David J. Matuszak to serve as a public sector representative on the work2future Board of Directors.

Action: The Committee approved the recommended appointment and referred it to the full Council for action on December 16, 2008.

G. Rules Committee Reviews, Recommendations and Approvals

1. **Retirement Board Interviews and Application Questionnaire.**

CONTINUED FROM DECEMBER 3, 2008

Documents Filed: (1) Memorandum from City Attorney Rick Doyle dated November 25, 2008 copy of a revised Application Questionnaire to interview candidates for the Boards of Administration of the Police and Fire and Federated Retirement Systems. (2) Memorandum from Mayor Reed dated December 5, 2008 recommend approval of additional questions to be added to retirement board applicant questionnaire. (3) Memorandum from City Clerk Lee Price dated December 8, 2008 forwarding three additional questions for, and one suggestion to, the Retirement Board Questionnaire on behalf of Councilmember Constant.

Public Comment: Jeff Ricketts, Bob Leninger, and Bob Lopez expressed objections to changing the process for appointing members of the two Retirement Boards and urged the Committee to move forward with ratifying the results of the elections on December 16, 2008. John Tenent, Attorney for the SJPOA, asked the Committee to make sure that the questions on the supplemental be uniform and not target one candidate.

Action: The Committee approved the questionnaire with additions and directed staff to add the interviews of candidates to the January 20, 2009 Special Council Meeting agenda.

2. **2009 Legislative Guiding Principles, Priorities and Advocacy Issues.**

Documents Filed: Memorandum from Betsy Shotwell dated December 3, 2008 recommended acceptance of the 2009 Legislative Guiding Principles, Priorities and Advocacy Issues.

Action: The Committee approved to move this item forward for Council review for the December 16, 2008 City Council Meeting.

3. Police and Fire Retirees Request for Enhanced Benefit.

Documents Filed: Memorandum from City Manager Debra Figone dated December 4, 2008 regarding Police and Fire Retirees Request for Enhanced Benefit.

Councilmember Constant noted he would recuse himself due to a potential conflict of interest (recipient of retirement benefits).

Action: The Committee accepted the report (Constant disqualified)

4. Monthly Report of Activities for November 2008

Documents Filed: Memorandum from City Auditor Sharon W. Erickson dated December 4, 2008 recommend approval of the Auditor's Office Monthly Report of Activities for November 2008.

Action: The Committee approved the Auditor's monthly report for November 2008.

5. Request by the Mayor to add to the January 13, 2009 City Council Agenda a discussion regarding Retirement Fund Investment Losses.

Documents File: Memorandum from Mayor Reed dated December 5, 2008 recommending to agendaize a report to the City Council on the status of the City's two retirement funds for the January 13, 2009 City Council Meeting.

Action: The Committee approved the addition to the agenda for the January 13, 2009 City Council Meeting.

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.**

- I. Open Government Initiatives-Con't
 - 2. Sunshine Reform Task Force (SRTF)
 - c. **SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**
 - d. **Correspondence from the Task Force**
 - e. **Other Correspondence**

CONTINUED FROM NOVEMBER 19, 2008

Documents Filed: (1) Correspondence from Sunshine Reform Task Force Member/Committee Chair Bert Robinson dated November 24, 2008 regarding the California Public Records Act. (2) Correspondence from General Counsel Terry Francke writing in support of the proposed Open Government ordinance, the assertion of the balancing or "catchall" exemption in Government Code Section 6255. (3) Public Records Response Deadlines: Staff's Alternative Proposal.

Director of Communications Tom Manheim and Public Records Manager Tom Norris summarized the SRTF recommendation relative to the process for disclosing public records and, in particular, Section 6.2.1: Immediacy of Response. Staff provided alternative recommendations (change "by the end of the day" to "within 24 hours"; "by the end of the business day" to "by end of the second business day"). Bert Robinson, Chair of the SRTF Subcommittee on Public Records, provided an overview of his letter and indicated he had no objection to the staff's recommendations. Brief questions followed.

Action: The Committee accepted staff's recommendations and deferred discussion regarding Section 6.2.2: Budget/Financial Information until January 2009.

- J. Open Forum
None were presented.

- K. Adjournment
The meeting was adjourned at 4:00 p.m.



Mayor Chuck Reed
Rules and Open Government Committee