



RULES AND OPEN GOVERNMENT COMMITTEE
Meeting Report
January 21, 2009

PRESENT: Mayor Reed, Vice Mayor Chirco, Council Members Constant and Pyle

ABSENT:

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 Johnson and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review of January 27, 2009 Final Agenda.
2. Review of February 3, 2009 Draft Agenda.

The Committee considered a request from Mayor Reed and Councilmember Liccardo regarding the re-use of the former San Jose Medical Center site.

Action: The Committee directed the City Attorney to draft a resolution reflecting the Council's intention that the site on East Santa Clara Street remain a critical component of the City's strategy for the provision of health care to residents in Central San Jose. The City Attorney will return to the Rules and Open Government Committee with the draft resolution.

Action: The Committee approved the January 27, 2009 and February 3, 2009 City Council agendas as revised.

B. Redevelopment Agency (RDA)

1. Review of January 27, 2009 Final Agenda.
2. Review of February 3, 2009 Draft Agenda.

Action: The Committee approved the January 27, 2009 RDA Agenda, as revised. There were no items for the February 3, 2009 RDA Agenda; staff recommend cancelling the meeting.

C. Legislative Update

1. State
2. Federal

There were no updates.

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D. Meeting Schedules
There were none.

E. The Public Record
Documents Filed: Memorandum from City Clerk Lee Price, dated January 16, 2009, transmitting items for the Public Record for the period of January 9-15, 2009.

Action: The Committee noted and filed the Public Record, and referred Item (a), Letter from the Humane Education Center, to the department of General Services, Animal Services Division

F. Appointments to Boards, Commissions and Committees

1. Approve Updated City Council Appointments.

Documents Filed: Memorandum from Mayor Reed dated January 15, 2009 recommending that the City Council and Redevelopment Agency Board revise the Committee assignments by approving the appointment of Councilmember Liccardo to the Police and Fire Retirement Board.

Action: The Committee approved the recommendation and agreed to move it forward to the Council for review and approval on January 27, 2009.

G. Rules Committee Reviews, Recommendations and Approvals
There were none.

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. **Police Records Workplan Response.**
- e. **City Attorney's review of Proposition 9 – "Victim's Bill of Rights Act of 208, Marsy's Law" – and any impact to access to information contained in City Police Records.**
- f. **Correspondence from the Public regarding Police Records.**

CONTINUED FROM JANUARY 14, 2009

Documents Filed: (1) Slide presentation outlining Staff's Response to Sunshine Reform Task Force Recommendations regarding Police Records. (2) Memorandum from Director of Communications Tom Manheim dated January 15, 2009 recommending review of responses to the Police Records work plan. (3) Memorandum from City Attorney Richard Doyle dated January 15, 2009 responding to committee referral dated January 14, 2009 "Does Proposition 9 prohibit the City from allowing greater access to information contained in Police Records?" (4) Memorandum from City Clerk Lee Price dated January 15, 2009 with attached correspondence received to-date from the public regarding Police Records. (5) Letter from Bert Robinson, Chair of the Sunshine Task Force Subcommittee on Public Records dated January 19, 2009 regarding the Police Records Work Plan.

City Attorney Rick Doyle provided an overview of the Analysis of Proposition 9.

Director of Communications Tom Manheim presented the Staff's response to Task Force Recommendations regarding police report writing and preparation of police statistical reports. Chief of Police Rob Davis, Santa Clara County District Attorney Dolores Carr and Bert Robinson, Chair of the SRTF Subcommittee on Public Records, discussed at length the SRTF recommendations relative to Police Records.

Public Comments:

Ed Rast, Chair of the SRTF; Skyler Porras, American Civil Liberties Union; Jeff Moore, Member of the Public Drunkenness Task Force; James Chadwick, attorney-at-law; Raj Jayadev, Silicon Valley DeBug; and Betty Wolfgrave spoke in support of the SRTF recommendations regarding public access to Police Records.

Action: The Committee referred the recommendations back to Staff for additional work, including possible revisions to the Staff recommendation, taking into account the comments of the District Attorney.

J. Open Forum

Ed Rast commented in the format of the Community Budget Workshop sponsored by the City on January 24, 2009 and urged greater outreach to encourage participation.

K. Adjournment

The meeting was adjourned at 4:13 p.m.



Mayor Chuck Reed
Rules and Open Government Committee