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**REGULAR MEETING OF THE SAN JOSÉ  
RULES AND OPEN GOVERNMENT COMMITTEE**

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, FEBRUARY 25, 2009**

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:04 p.m. in Conference Room 118 and 119, Council Wing, City Hall.

**PRESENT:** Mayor Reed, Council Member Constant and Pyle

**ABSENT:** Vice Mayor Chirco (excused)

**STAFF:** City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

**CITY COUNCIL AGENDA REVIEW**

**3.1 Review of March 3, 2009 Final City Council Agenda.**

Action: The Committee approved the March 3, 2009 final City Council Agenda, as revised.

**3.2 Review of March 10, 2009 Draft Agenda.**

Action: The Committee approved the March 10, 2009 draft Council Agenda, as revised.

**REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW**

**4.1 Review of March 3, 2009 Final Agenda.**

Action: The Committee agreed to cancel the RDA meeting for March 3, 2009, as there were no items.

**4.2 Review of March 10, 2009 Draft Agenda.**

Action: The Committee approved the March 10, 2009 draft RDA Agenda.

## LEGISLATIVE UPDATE

### 6.1a Sacramento Update (verbal report)

Director of Intergovernmental Relations Betsy Shotwell provided a brief update on the State Budget.

## MEETING SCHEDULES

- 7.1 **Revise the budget calendar to approve the following: a) move the 2009-10 Mayor's March Budget Message Release from March 6, 2009 to March 13, 2009; b) Change the Council Study Session: 2009-10 Mayor's March Budget Message to be included as part of the March 17, 2009 Council Meeting as a regular item; c) move the 2009-10 Mayor's March Budget Message; Final Review/Approval by City Council and 2009-10 Mayor's March Budget Message: Public Hearing from March 17, 2009 to March 24, 2009.(City Manager)**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader dated February 4, 2009 forwarding the recommendation.

Action: The Committee revised the budget calendar, as recommended.

## THE PUBLIC RECORD

### 8 Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated February 20, 2009, transmitting items for the Public Record for the period of February 13-19, 2009.

Public Comment: David Wall clarified an error in a letter previously submitted.

Action: The Committee noted and filed the Public Record.

## APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEE

- 9.1 **(1) Appoint Franco Vado to the Deferred Compensation Advisory Committee as the representative nominated by the San Jose Police Officers Association; Robert Sapien as the representative nominated by the San Jose Firefighters, Local 230; and Pascal Roubineau as the representative nominated by the trades union, for four-year terms ending March 1, 2013. (2) Request to agendize this item on the March 3, 2009 Council meeting in order to have a quorum for the next Deferred Compensation Advisory Committee on March 26, 2009. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources Mark Danaj dated February 9, 2009 forwarding the recommendation.

Action: The Committee approved the appointments, as recommended, and forwarded the appointments on to the full City Council on March 3, 2009.

## RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

### 10.1 **Accept the workload assessment for regulation of bail bond establishments. (Planning, Building and Code Enforcement)**

Mayor Reed noted that Councilmember Liccardo had requested a one-week deferral on this item.

Public Comment: Jeff Stanley (owner, Bad Boys Bail Bonds) and his attorney, Donald Kilmer, expressed opposition to restricting hours of operation.

City Attorney Rick Doyle noted that the issue before the Committee was a workload assessment and added that the speakers' were addressing an unrelated issue regarding the Conditional Use Permit, which is subject to appeal before the Appeals Hearing Board.

Action: This item was deferred one week, as requested by Councilmember Liccardo.

## OPEN GOVERNMENT INITIATIVES

### 12.2 **Review of SRTF recommendations regarding Public Records: Balancing Test and Drafts & Memoranda Recommendation: Retain the balancing test and continue to follow the requirements of the California Public Records Act on drafts and memoranda**

Documents Filed: (1) Memorandum from Communications Director Tom Manheim dated January 29, 2009 forwarding the recommendation. (2) Correspondence regarding the "Balancing Test" previously distributed.

Senior Deputy City Attorney Lisa Herrick summarized the SRTF recommendation relative to the "Balancing Test". Bert Robinson, Chair of the SRTF Subcommittee on Public Records presented some alternatives.

Public Comments: James Chadwick, San Jose Mercury News, spoke in favor of eliminating the "Balancing Test". David Wall recommended the Committee reject recommendations of the SRTF.

Committee discussion followed. Mayor Reed suggested that Staff determine a way to narrowly construe application of the "Balancing Test".

Action: The Committee continued this matter for further discussion to an unspecified date and requested that Staff review the Brown Act, an informational pamphlet published by the Attorney General, and cases on point referenced in the materials for guidance in developing categories of records.

**OPEN FORUM**

**ADJOURNMENT**

The meeting was adjourned at 3:48 p.m.



Mayor Chuck Reed

Rules and Open Government Committee