



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

SAN JOSE, CALIFORNIA

WEDNESDAY, April 29, 2009

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:00 p.m. in Conference Rooms 118 and 119, Council Wing, City Hall.

PRESENT: Mayor Reed, Council Member's Pyle and Constant

ABSENT: Vice Mayor Chirco

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 May 5, 2009 Final City Council Agenda.

Documents Filed: (1) Memorandum from Mayor Reed dated April 14, 2009 regarding Independent Police Auditor Compensation Package/Employment Agreement; (2) Memorandum from Mayor Reed dated April 20, 2009 regarding Independent Police Auditor; (3) Memorandum from Mayor Reed dated April 28, 2009 regarding Selection Process for the Independent Police Auditor; (4) Memorandum from Councilmember's Campos, Chu, Herrera, Kalra and Pyle dated April 21, 2009 regarding selection process for the Independent Police Auditor; (5) Memorandum from Councilmember's Campos, Chu, Kalra and Pyle dated April 24, 2009 regarding selection process for the Independent Police Auditor.

Public Comment: Skyler Porras (ACLU of Northern California) requested a time certain for both the IPA Selection Matter (8.1) and Police Leadership in Equity Item (8.2).

Action: The Committee approved the May 5, 2009 final Council Agenda, as amended.

3.2 Review of May 12, 2009 Draft Agenda.

Action: The Committee approved the May 12, 2009 draft Council Agenda, as amended.

REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW

4.1 Review of May 5, 2009 Final Agenda.

Action: The Committee approved the May 5, 2009 final RDA Agenda.

4.2 Review of May 12, 2009 Draft Agenda.

Action: The Committee approved the May 12, 2009 draft RDA Agenda.

LEGISLATIVE UPDATE

6.1 State

- a. **1) The City Council support AB 821 (Brownley) The Clean and Healthy Schools Act; and 2) The Committee provide a one-week turnaround for Mayor and City Council review. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services dated April 20, 2009 forwarding the recommendation.

Action: The Committee approved a support position on AB 821 and forwarded the bill to the City Council for action on May 5, 2009.

- b. **1) The City Council support AB 283 (Chesbro) California Product Stewardship Act of 2009; and 2) The Committee approve a one-week turnaround for Mayor and City Council review. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services dated April 21, 2009 forwarding the recommendation.

Action: The Committee deferred action on this item pending input from the Silicon Valley Manufacturers Group.

- c. **1) The City Council support SB 346 (Kehoe) Hazardous Materials: Motor Vehicle Brake Friction Materials; and 2) The Committee provide a one-week turnaround for Mayor and City Council review. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services dated April 20, 2009 forwarding the recommendation.

Action: The Committee approved a support position on SB 346 and forwarded the bill to the Council for action on May 5, 2009; and requested that Staff provide additional information in a supplemental memorandum.

8. Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated April 24, 2009, transmitting items for the Public Record for the period of April 17-23, 2009.

Councilmember Constant pulled Items (a) and (b), letters from the Senior Commission and referred them to the Office of the City Manager and PRNS, respectively.

Action: The Committee noted and filed the Public Record.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEE

9.1 Approve re-appointment of Paiman Komeilizadeh to the Disability Advisory Commission. (Pyle)

Documents Filed: Memorandum from Councilmember Pyle dated April 23, 2009 forwarding the recommendation.

Action: The Committee approved the re-appointment of Paiman Komeilizadeh.

9.2 Approve re-appointment of David M. Flaughner and James K. Kim to the Parks and Recreation Commission. (Pyle)

Documents Filed: Memorandum from Councilmember Pyle dated April 23, 2009 forwarding the recommendation.

Action: The Committee approved the re-appointments of David Flaughner and James Kim.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

10.1 Accept the report on the objectives and current activities of the Non-Profit Strategic Engagement Platform in assessing the City of San Jose's partnership with Community Based Organizations. (Economic Development)

Documents Filed: (1) Memorandum from Paul Krutko dated April 23, 2009 forwarding the recommendation. (2) Report on Community Based Organization Partnerships dated April 29, 2009. (3) Correspondence from Silicon Valley Council of Nonprofits dated April 29, 2009 reporting on Community Based Organization Partnerships. (4) The Silicon Valley Council of Nonprofits Snapshot of the Economic Issues Facing Nonprofits Fundraising Outlook for Fiscal Year 2009 Prepared in March 2009.

Deputy Director Jeff Ruster and Director of Cultural Affairs Kerry Adams-Harper and Director of Housing Leslye Krutko provided an in depth report. Questions followed.

Public Comments: Patricia Gardner acknowledged the work of staff, and noted that contracts have been getting signed and payments have been made in a timely manner. She added that she supports the staff recommendations.

Action: The Committee accepted the staff report.

10.2 Direct the City Attorney to prepare amendments to the City's Lobbyist Ordinance to include enforcement actions for ordinance violations.

Documents Filed: Memorandum from Councilmember's Campos and Chu dated April 23, 2009 forwarding the recommendation.

Action: The Committee referred this matter to the Mayor's Biennial Ethics Review.

OPEN GOVERNMENT INITIATIVES

12.3 Significant Public Records Act Requests

Letter of appeal from Martha O'Connell and A. E. Liz Warren, Homeowners Organized to Maintain Equity (HOME).

Documents Filed: (1) Memorandum from Martha O'Connell dated April 20, 2009 regarding open and transparent government. (2) Supplemental memorandum from City Clerk Lee Price dated April 28, 2009 in response to the appeal of the denial of a Public Records Request from Martha O'Connell and A. E. Liz Warren regarding applicants for the Mobilehome Advisory Commission.

Public Comments: Martha O'Connell representing HOME requested paper work for the Mobilehome Advisory Commission prior to a meeting with Councilmember Chu on May 8, 2009.

Action: The Committee directed the City Clerk to release the requested documents to Ms. O'Connell and to make it a practice going forward that once documents have been released to the Council, they may also be made available to the public.

OPEN FORUM

Martha O'Connell encouraged the Committee to direct Staff to clarify the intent of the Board and Commission absence policy as it relates to the definition of "spouse".

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.



Mayor Chuck Reed
Rules and Open Government Committee