

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
September 30, 2009

**PRESENT:** Mayor Reed, Vice Mayor Chirco, Councilmembers Constant and Pyle

**ABSENT:**

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Chief Deputy City Manager Ed Shikada, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

**A. City Council**

**1. Review October 6, 2009 Final Agenda**

Document Filed: Memorandum from Mayor Reed dated September 23, 2009 adding an item for October 6, 2009 regarding adoption of a resolution authorizing the City Clerk to execute an agreement with the Association of Local Government Auditors to perform a peer audit of the City Auditor's Office.

Action: The Committee approved the October 6, 2009 Final Council Agenda, as amended.

**2. Review October 13, 2009 Draft Agenda**

None-Meeting Canceled.

**B. Redevelopment Agency (RDA)**

**1. Review October 6, 2009 Final Agenda**

There were no items for this agenda, staff recommended cancelation of the RDA meeting.

Action: The Committee cancelled the October 6, 2009 RDA meeting.

**2. Review October 13, 2009 Draft Agenda**

None-Meeting Canceled.

**C. Review of Upcoming Study Session Agenda (s)**

There were none.

**D. Legislative Update**

**1. State**

There were none.

**2. Federal**

The Mayor provided a brief oral report on his most recent trip to Washington, D.C.

**E. Meeting Schedules**

There were none.

**F. The Public Record**

Document Filed: Memorandum from City Clerk Lee Price dated September 25, 2009 transmitting the Public Record for the week of September 17-24, 2009.

Public Comment: Bob Brownstein voiced concerns about the need to develop a process to deal with complaints regarding violations of the City Sunshine Policy.

Mayor Reed acknowledged Mr. Brownstein's comment and referred the issue to the ongoing work to implement the Sunshine reforms.

Action: The Committee referred Item (b), letter from the Senior Citizens Commission, to the City Clerk and noted and filed the public record.

**G. Appointments to Boards, Commissions and Committees**

There were none.

**H. Rules Committee Reviews, Recommendations and Approvals**

**1. City Attorney's Response to Letter from Bob Brownstein dated September 9, 2009.**

Document Filed: Memorandum from City Attorney Rick Doyle dated September 24, 2009 responding to letter from Bob Brownstein dated September 9, 2009.

Public Comment: Bob Brownstein (Working Partnership USA) argued that the intent of the Reform Task Force was to allow Public Comment on any item on the agenda.

Ben Field (South Bay Labor Council) expressed disagreement with the City Attorney's opinion, asserted Mr. Brownstein was denied the right to address the City Council at the August 4, 2009 Council meeting under Item 5.3 and urged the Council to admit the mistake so it would not be repeated.

Mayor Reed referred the speakers to the transcript of the August 4, 2009 Council Meeting.

Action: No action was taken.

**2. Proposed Amendments to Chapter 9.58 of the San Jose Municipal Code, commonly known as the Graffiti Abatement, Ordinance.**

Document Filed: Memorandum from Councilmember Madison Nguyen dated September 24, 2009 forwarding recommendations to direct Staff to study the feasibility of amending the Municipal Code with a goal of making youth accountable for graffiti activity.

Public Comment: Tina Morrow and David Wall spoke in support of Councilmember Nguyen's recommendations.

Action: The Committee referred the proposal to work in progress by the Mayor's Gang Prevention Task Force with a request to return to the Rules and Open Government Committee with a recommendation.

**3. Performance Management and Reporting in San Jose: A Proposal for Improvement.**

Document Filed: Memorandum from City Auditor Sharon Erickson dated September 24, 2009 regarding performance management and reporting in San José: a proposal for improvement.

Action: The Committee accepted the City Auditor's report.

**I Review of additions to Council Committee Agendas**

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

There were none.

**J. Open Government Initiatives**

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
- 4. Significant Public Records Act Requests**
- 5. Council Policy Manual Update**

There were none.

**K. Open Forum**

David Wall thanked San Jose Police Officer James Soh for a job well done.

**K. Adjournment**

The meeting adjourned at 2:49 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in black ink and is positioned above a horizontal line.

Mayor Chuck Reed  
Rules and Open Government Committee