



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
December 9, 2009

PRESENT: Mayor Reed, Vice Mayor Chirco, Councilmembers Pyle and Nguyen

ABSENT: Councilmember Constant

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Chief Deputy City Manager Ed Shikada, Redevelopment Agency Assistant Director Gary Miskimon, Deputy Executive Director Abi Maghamfar, Deputy City Manager Deanna Santana, Mayor Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review December 15, 2009 Final Agenda

Action: The Committee approved the December 15, 2009 final agenda, as amended.

2. Review December 22, 2009 Draft Agenda

None-Meeting Cancelled.

B. Redevelopment Agency (RDA)

1. Review December 15, 2009 Final Agenda

Action: The Committee approved the December 15, 2009 final agenda, as amended with a waiver of the 10-day noticing requirement on items 8.1 and 8.2.

2. Review December 22, 2009 Draft Agenda

None-Meeting Cancelled.

C. Review of Upcoming Study Session Agenda (s)

There were none.

D. Legislative Update

1. State

There were none.

2. Federal

There were none.

E. Meeting Schedules

There were none.

F. The Public Record

Document Filed: Memorandum from City Clerk Lee Price, dated December 4, 2009 transmitting the Public Record for the week of November 27-December 3, 2009.

Action: The Committee noted and filed the public record.

G. Appointments to Boards, Commissions and Committees

There were none.

H. Rules Committee Reviews, Recommendations and Approvals

1. Accept staff's analysis and recommendation to maintain the existing City Manager's contract approval authority given and the analysis presented in this report for the nine quarters from Q4 FY 2006-07 to Q4 2008-09

Documents Filed: Memorandum from City Manager Debra Figone dated December 4, 2009 forwarding the recommendation.

Action: The Committee approved the staff recommendation.

2. Approve Rules for the Conduct of Meetings to replace current Rules for the Conduct of Meetings and place them on the Council Agenda for December 15 consideration.

Documents Filed: Memorandum from Mayor Reed dated December 2, 2009 forwarding the recommendation.

Public Comment: Bob Brownstein urged the Committee to demonstrate a commitment to free speech and public participation during Council meetings by allowing public testimony on any motion, including under "Orders of the Day".

Action: The Committee continued the matter to January 6, 2010.

- 3. New Technologies (a) Consider expanding Council Policy 0-32 - Disclosure of Material Facts to include disclosure by the Mayor and members of the City Council of any communication received and read, either directly or indirectly that is relevant to a matter under consideration by the City Council. (b) Consider modifying Council Policy 0-33 – Public Records Policy and Protocol to include communications concerning official business sent and received by City officials via non-City-owned devices.**

Documents Filed: Memorandum from Director of Communications Tom Manheim dated November 20, 2009 forwarding the recommendation.

Public Comment: Bob Brownstein, former member of the Sunshine Reform Task Force, spoke in favor of greater disclosure of communications and added that all that is needed is adequate training.

The Committee provided feedback to staff. Suggestions included a one-year pilot limited to the Mayor, Council and their staff, and that disclosure be limited to correspondence received during Council meetings.

Action: The Committee directed staff to finalize language and to return to Rules and Open Government before taking this item to the full Council.

- 4. (a) Accept the 2010 Legislative Guiding Principles, Priorities and Advocacy Issues for the second Year of the two-year Legislative Session in Sacramento and the 111th Congress. (b) Approve a streamlined process for responding to legislative proposals and legislation that would enable the staff to be responsive to bills considered in Sacramento and Washington, D.C. (c) Approve a one-week turnaround to the City Council so that the City's lobbyist can begin carrying out Council direction in Sacramento and Washington, D.C.**

Documents Filed: Memorandum from Intergovernmental Director Betsy Shotwell dated December 2, 2009 forwarding the recommendation.

Action: The Committee approved the recommendation as amended and referred the Guiding Principles to the Council on December 15, 2009 for final approval.

- 5. Approve the Auditor's Office Monthly Report.**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson dated December 3, 2009 forwarding the recommendation.

Action: The Committee accepted the 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 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)**
(a) Adopt the revised language on Statistical Reports Prepared by the Independent Police Auditor as recommended by the Acting Independent Police Auditor and the City Manager. (b) Direct the City Attorney to prepare an ordinance codifying the Open Government Reforms after the City Council approves all of the recommendations from the Sunshine Reform Task Force, as amended by the Rules and Open Government Committee.

Documents Filed: (a) Memorandum from Acting Independent Police Auditor Shivaun Nurre and City Manager Debra Figone dated December 3, 2009 forwarding the recommendation. (b) Memorandum from Communications Director Tom Manheim dated December 3, 2009 forwarding the recommendation.

Mayor Reed suggested that the IPA annotate the reports to reflect the number of Department-initiated complaints and the number of citizen-initiated complaints.

Action: The Committee approved the revised language for statistical reports prepared by the IPA, as modified by the Mayor's suggestions; and directed the City Attorney to prepare a "Sunshine" ordinance once the City Council approves all of the recommendations from the Sunshine Reform Task Force, as amended by the Rules and Open Government Committee.

- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

There were none.

K. Open Forum

David Wall spoke about funding for infrastructure projects such as rebuilding the collection system and shared his observation about McCarthy Ranch issues.

Mark Trout shared his personal views.

L. Adjournment

The meeting adjourned at 3:53 p.m.



Mayor Chuck Reed
Rules and Open Government Committee