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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
March 17, 2010

PRESENT: Mayor Reed, Vice Mayor Chirco, Council Member Nguyen.

ABSENT: Council Members Constant and Pyle. (Excused)

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Deputy City Manager Norberto Duenas, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Nikhil Warrior and Legislative Secretary Ruth Krantz.

**A. City Council**

**1. Review March 23, 2010 Final Agenda**

Action: The Committee approved the March 23, 2010 final agenda, as amended, with Item 3.2 deferred to April 6, 2010.

**2. Review March 30, 2010 Draft Agenda**

Action: The Committee approved the March 30, 2010 draft agenda, as amended.

**B. Redevelopment Agency (RDA)**

**1. Review March 23, 2010 Final Agenda**

Action: The Committee approved the March 16, 2009 final RDA Agenda, with Item 8.1 deferred to April 13, 2010.

**2. Review March 30, 2010 Draft Agenda**

No items – meeting to be canceled.

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

There were none.

**D. Legislative Update**

**1. State**

Intergovernmental Relations Director Betsy Shotwell provided an update on City-sponsored AB1670 (State Highway Routes 82 and 130: Relinquishment) and issues related to the State budget.

**2. Federal**

None.

**E. Meeting Schedules**

- 1. Reschedule Rules and Open Government Regular Meeting of March 31, 2010 to March 30, 2010 at 1:00 p.m. (City Clerk).**

Action: Approved.

**F. The Public Record**

Document Filed: (1) Memorandum from City Clerk Lee Price dated March 12, 2010 transmitting the Public Record for the week of March 5-11, 2010. (2) Letter from Executive Director David Lewis of Save the Bay dated March 17, 2010 in support of a single-use bag ordinance.

Mayor Reed pulled Item (d) to provide a brief overview of his legislative advocacy trips to Washington DC and Los Angeles and requested that Item (f), Home Builders Association of Northern California letter dated March 9, 2010 be referred to Staff for a response.

Council Member Chirco pulled Item (e), letter from Pat Pizzo protesting PG&E plans for tree removal at TJ Martin and Fontana Parks. Mayor Reed reported that City Staff are engaged and working with PG&E.

Mayor Reed pulled Item (a), letter from the Small Business Development Commission dated February 27, 2010 regarding single-use carryout bags and environmental review for public comments. Environmental Services Deputy Director Jo Zientek provided an update on the Staff work to-date on implementation of Council direction, status of the EIR, and outreach efforts in progress.

Public Comments: Jim Smith (San José Small Business Development Commission), Tim James (California Grocer's Association), James Duran (Hispanic Chamber of Commerce Silicon Valley) and Theresa Bumb Navarro (San José Flea Market) expressed a need for an additional and independent study to determine the economic impact of the proposed single-use carryout bags ordinance. Phil Cornish (Guadalupe River Park Conservancy), Kerri Hamilton (CEEJ) and Felicia Madsen (Save the Bay) spoke in opposition to a second independent study and in favor of continued work in progress.

Action: The Committee took no action on Item (a), referred Item (f) to Staff, and moved to note and file the Public Record.

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

**1. Approve appointment of Carmen Johnson and Melanie Espino to the Healthy Neighborhoods Leadership Committee.**

Documents Filed: Memorandum from Deputy City Manager Norberto Duenas dated March 10, 2010 forwarding the recommendation.

Action: The Committee referred this item to the full Council for action on March 23, 2010.

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

**1. Direction to City Clerk to work with the City Attorney and the City Manager to estimate the budgetary impact of moving toward an Electoral System employing Instant Runoff Voting.**

Documents Filed: (1) Joint memorandum from Councilmembers Liccardo, Nguyen and Kalra dated March 8, 2010 forwarding the recommendation. (2) Letter from Santa Clara County Democratic Party Chair Steve Preminger, dated February 8, 2010, in support of Instant Runoff Voting for City elections. (3) Report from the New America Foundation, outlining advantages of Instant Runoff Voting. (4) Memorandum from County of Santa Clara Registrar of Voters Office to Jesse Durazo, City Clerk Lee Price and others dated March 16, 2010 regarding San Francisco Chronicle Article re: Ranched Choice Voting in Oakland. (5) Articles and information on Instant Runoff Voting in San Francisco and Vermont submitted by Terry Reilly March 17, 2010.

Public Comments: Blair Bobier (New America Foundation), Jim Stauffer and Steve Chessin (Californians for Electoral Reform) spoke in favor of the use of Instant Runoff Voting (IRV) for City elections.

City Attorney Rick Doyle reported that the City Council previously referred IRV to the Elections Commission and announced that the Commission will conduct a study session on the topic at 5:30 p.m. on April 29, 2010. He added that the Commission will consider pending litigation and budgetary impacts as part of their workplan. City Clerk Lee Price noted that it is anticipated that the Commission will formulate a recommendation to the City Council in May.

Action: The Committee took no action.

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

**1. Community and Economic Development Committee**

**2. Transportation and Environment Committee**

Approval to add an item to the May 3, 2010 T&E Committee Workplan: "Add consideration of potential changes to San José's Private Sector Green Building Policy and Ordinance". (PBCE)

Documents Filed: Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel dated March 1, 2010 forwarding the recommendation.

Action: The Committee approved the additions to the T&E workplan.

**3. Neighborhood Services and Education Committee**

**4. Public Safety, Finance and Strategic Support Committee**

None.

**J. Open Government Initiatives**

**1. Sunshine Reform Task Force (SRTF)**

**2. Appeals of Public Records Act Requests**

Response to Public Records Act Request from David Wall dated February 25, 2010 relating to possible reorganization of the Environmental Service Department.

Documents Filed: Memorandum from Public Records Manager Thomas D. Norris dated March 2, 2010 to David S. Wall responding to his public records request.

Public Comment: David Wall asserted that although he now has the information he requested, the matter should not have been elevated to this level.

**3. Council Policy Manual Update**

There were none.

**K. Open Forum**

David Wall criticized the Santa Clara Valley Habitat Plan for not addressing nitrogenous compound deposition as a result of aviation fuel from the airport. He also expressed opposition to the recommendation outlined in a memorandum to the Public Safety, Strategic Support and Finance Committee to be discussed by the Committee on March 18, 2010 regarding the Silicon Valley Regional Interoperability Project.

**L. Adjournment**

The meeting adjourned at 2:55 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee