



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
March 24, 2010

PRESENT: Mayor Reed, Vice Mayor Chirco, Council Members Constant and Pyle.

ABSENT: None.

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Chief Deputy City Manager Ed Shikada, 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 30, 2010 Final Agenda

Action: The Committee approved the March 30, 2010 final agenda, as amended, with Item 5.2 deferred to April 6, 2010. The Committee waived the 10-day noticing requirement for Item 3.2(b): South Bay Information Sharing System Memorandum of Understanding.

2. Review April 6, 2010 Draft Agenda

Action: The Committee approved the April 6, 2010 draft agenda, as amended.

B. Redevelopment Agency (RDA)

1. Review March 30, 2010 Final Agenda

None-Meeting Canceled.

2. Review April 6, 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 Assembly Bill 8x 7(Evans) – Container Recycling and Clean Water Funding, and provided a report on the passage of SB71 (Padilla) – Sales Use Tax Exemption: Qualified Projects.

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean dated March 17, 2010 recommending support of AB8x 7 (Evans).

Public Comments: David Wall suggested that the bill be expanded to include all containers and criticized the addition of new language in the bill forbidding transfer of money from the Fund to other purposes.

2. Federal

None.

E. Meeting Schedules

- 1. Cancel Regular City Council Meeting of June 29, 2010 and approve a Summer Rules and Open Government Meeting Schedule. (City Clerk).**

Documents Filed: Memorandum from City Clerk Lee Price, MMC dated March 17, 2010 providing the recommendations.

Action: Approved.

F. The Public Record

Document Filed: (1) Memorandum from City Clerk Lee Price dated March 19, 2010 transmitting the Public Record for the week of March 12-18, 2010. (1) Letter from Southern Region Government Relations Director of PG&E, Mary Ellen Ittner dated March 19, 2010, addressing tree removals at TJ Martin/Fontana Parks.

Councilmember Constant pulled Item (b), letter from the Chamber of Commerce regarding single-use carryout bags to ask if an economic study is included in staff's work plan. Mayor Reed indicated it was.

Council Member Pyle pulled Item (c), letter from Russell Petruzelli regarding tree removal at TJ Martin and Fontana Parks to offer an update on the City's negotiations with PG&E. She submitted for the record a letter from PG&E outlining an alternative plan.

Mayor Reed pulled Item (e), letter from ACLU Director Skyler Porras regarding the Independent Police Auditor (IPA) Interview Process to refer it to the City Manager. He requested that Ms. Porras be provided with a copy of the Council-approved process for selecting a new IPA.

Action: The Committee referred item (e) to the City Manager and noted and filed the Public Record.

G. Appointments to Boards, Commissions and Committees

- 1. Direct City Clerk to conduct process to fill an unscheduled vacancy for the Fire Department employee member of the Board of Administration of the Police and Fire Department Retirement Plan to serve the balance of a term expiring November 30, 2011.**

Documents Filed: Memorandum from City Clerk Lee Price, MMC dated March 19, 2010 forwarding the recommendation and forwarded this item to the City Council.

Action: The Committee approved the direction to the City Clerk.

H. Rules Committee Reviews, Recommendations and Approvals

- 1. Accept Staff's report on compliance with Open Government requirements for posting of public calendars on the City's web site.**

Documents Filed: (1) Supplemental memorandum from Communications Director Tom Manheim dated March 23, 2010, recommending that this item be dropped.

Action: The item was dropped.

- 2. Accept Staff's report in response to delay in assessing liquidated damages to Babel Plumbing & Construction, Inc. and providing administrative steps ensuring timely notification of future assessments.**

Documents Filed: (1) Supplemental memorandum from Director of Public Works Katy Allen dated March 23, 2010 providing additional clarification on the response to Babel Plumbing & Construction, Inc., and outlined program-wide process improvements.

Director of Equality Assurance Nina Grayson and Public Works Assistant Director David Sykes offered clarification on the sequence of events that caused a delay in the City's response to the sub-contractor and outlined changes being implemented to ensure that late notices do not occur in the future.

Action: The report was received.

I. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Transportation and Environment Committee**
- 3. Neighborhood Services and Education Committee**

Approval to add an item to the April 8, 2010 NSE Committee Agenda "Analysis of Revenue Generation through increased enforcement of off-leash violations".

Documents Filed: Memorandum from Director of General Services Peter Jensen dated March 17, 2010 forwarding the recommendation.

Council Members Constant and Pyle questioned whether this analysis is a worthwhile use of the City's resources and that it may not generate sufficient revenue to compensate for the City's expenses.

Deputy Director of PRNS John Cicarelli responded to questions from the Committee and reported that the work plan was nearly complete.

Council Member Constant voiced objections to Staff beginning on a work plan before it has first been approved by the Committee.

Action: The Committee approved the additions to the NSE workplan.

Noes: Constant.

I. Review of additions to Council Committee Agendas (Cont'd.)

- 4. Public Safety, Finance and Strategic Support Committee**
None.

J. Open Government Initiatives

- 1. Appeals of Public Records Act Requests**
- 2. Council Policy Manual Update**

There were none.

K. Open Forum

David Wall commented in favor of a suggestion made by Councilmember Pyle at the March 23rd Council meeting to consider options for employees to make direct contributions to the City's unfunded retirement liability. He also offered thanks to San José Police Officer John West for his efforts in protecting the safety of children in his neighborhood.

L. Adjournment

The meeting adjourned at 2:36 p.m.



Mayor Chuck Reed

Rules and Open Government Committee