

**RULES AND OPEN GOVERNMENT COMMITTEE**  
Meeting Report  
May 26, 2010

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

**ABSENT:** None.

**STAFF:** City Manager Ed Shikada, Assistant City Attorney Ed Moran, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Ruth Krantz.

**A. City Council**

**1. Review June 1, 2010 Final Agenda**

None - Meeting Canceled.

**2. Review June 8, 2010 Draft Agenda**

Action: The Committee approved the June 8, draft agenda, as amended.

**B. Redevelopment Agency (RDA)**

**1. Review June 1, 2010 Final Agenda**

None - Meeting Canceled.

**2. Review June 8, 2010 Draft Agenda**

Action: The Committee approved the June 8, draft agenda, as amended.

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

None.

**D. Legislative Update**

**1. State**

**a. Sacramento Update**

Approve opposition to AB 155 (Mendoza) Local Government Bankruptcy Proceedings, which was opposed by the City in 2009 as SB 88 (DeSauliner) with a one-week turnaround to the City Council for action. (Finance).

Document Filed: Memorandum from Director of Finance Scott P. Johnson, dated May 17, 2010 forwarding the recommendation to oppose AB 155.

Public Comment: David Wall expressed concerns about the bill and urged the Committee to oppose it.

Action: The Committee approved a position of opposition to AB 155 (Mendoza) and forwarded the bill to the full City Council for formal action on June 8, 2010.

**2. Federal**

None.

**E. Meeting Schedules**

**F. The Public Record**

Document Filed: (1) Memorandum from City Clerk Lee Price dated May 21, 2010 transmitting the Public Record for the week of May 14 - 20, 2010.

Public Comment: David Wall pulled Item (e) to call attention to the strong public support of Grace Community Center.

Action: The Public Record was noted and filed.

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

- 1. Approve the reappointments of Roger Lasson, Larry Saltman and Robert Gill, and the appointments of Kenneth Kelly and Richard McCoy to the Senior Citizen's Committee. (Constant)**
- 2. Approve the appointments of Joshua Barousse, Wendy Ho and Guadalupe Rodriguez to the Human Rights Commission. (Chu)**
- 3. Approve the appointments of William Collins and Erica Valladao to the Early Care and Education Commission. (Chirco)**
- 4. Approve the appointments of Carlos Padilla and Elaine Coombs to the Advisory Commission on Rents. (Herrera)**
- 5. Approve the appointments of George Gange and Ian Klufft to the Airport Commission, and recommend that the City Clerk be directed to expand the applicant pool. (Chu)**
- 6. Approve the appointments of Karl Vidt, Deanford Chen and Jessica Rauff to the Disability Advisory Commission. (Pyle)**

*(Item Continued on the next page)*

**G. Appointments to Boards, Commissions and Committees (Cont'd.)**

7. **Approve the appointment of Sergio Arturo Jiminez to the Parks and Recreation Commission. (Pyle)**
8. **Approve the reappointment of Michael Martin to the Arts Commission. (Liccardo)**
9. **Approve the appointments of Nicholas Adams, Richard Allen James, Ben Miyaji and Richard Robbins to the Arts Commission. (Liccardo)**

Document Filed: (1) Two memoranda from Councilmember Pyle dated May 20, 2010 forwarding recommendations for reappointments to the Parks and Recreation Commission and the Disability Advisory Commission. (2) Two memoranda from Councilmember Chu dated May 18 and May 20, 2010 forwarding recommendations for appointments to the Airport Commission and the Human Rights Commission. (3) One memorandum from Councilmember Chirco dated May 18, 2010 forwarding recommendations for appointments to the Early Care and Education Commission. (4) One memorandum from Council Member Constant dated May 7, 2010 forwarding recommendations for reappointments/appointments to the Senior Citizen's Commission. (5) One memorandum from Council Member Herrera, dated May 20, 2010 forwarding recommendations for a appointments to the Advisory Commission on Rents. (6) Two memoranda from Council Member Liccardo dated May 20, 2010 forwarding recommendations for appointments/reappointments to the Arts Commission.

Public Comments: Georgia P. Nielsen, an applicant for the Airport Commission, objected to the City Attorney's analysis, which indicated a potential conflict of interest. She provided the Committee with information clarifying the source of her pension income.

Assistant City Attorney Ed Moran addressed Ms. Nielsen's concerns and agreed to review the conflict of interest analysis for clarification.

Action: The Committee approved Items G1 through G9 and forwarded the appointments to the City Council for formal action on June 8, 2010. The City Attorney was directed to return to the Rules Committee in one week with further clarification on the status of Ms. Nielsen's potential conflict of interest.

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

1. Approve an amendment to the City/Agency Inclusionary Housing Policy to temporarily suspend inclusionary housing requirements for rental units. Refer to the full City Council for action on June 8, 2010.

Documents Filed: Memorandum from City Attorney Richard Doyle dated May 17, 2010 forwarding the recommendation.

Action: The Committee approved the Staff recommendation.

**H. Rules Committee Reviews, Recommendations and Approvals (cont'd.)**

2. Accept response from the Elections Commission to Referral from the City Council about Instant Runoff Voting (IRV). (City-Clerk)

Documents Filed: (1) Memorandum from City Clerk Lee Price dated May 20, 2010 providing the Response from the Elections Commission to a Referral from the City Council regarding Instant Runoff Voting. (2) Letter from Emily Pears, Northern California Organizer, California Common Cause, dated May 24, 2010 endorsing Instant Runoff Voting. (3) Email from Barbara Johnson, Minneapolis City Council President, dated May 24, 2010 offering her views of ranked choice voting.

Public Comments: David Wall was critical of Instant Runoff Voting (IRV) and recommended that a restricted use fund be created to pay for elections. Blair Bobier (New America Foundation) and Steve Chessia (Californians for Electoral Reform) spoke to the advantages of Instant Runoff Voting and urged implementation, at least for special elections. Terry Reilly voiced concerns about IRV and spoke in favor of the Elections Commission recommendations to consider alternatives to IRV as outlined in the memorandum.

Action: The Response was accepted, with City Clerk Lee Price directed to report back with information on the outcome of IRV elections scheduled for November in Alameda County (cities of Berkeley, San Leandro and Oakland).

3. Approval of District 2 Diwali Festival of Lights as a City sponsored Special Event, to expend City Funds and Authorization to Accept Donations of Materials and Services for the Event and place item on the June 8, 2010 Council Agenda for Council Agenda action. (City Clerk)

Document Filed: Memorandum from City Clerk Lee Price dated May 21, 2010 forwarding the recommendation.

Action: The Committee approved Item H3 and forwarded it to the City Council for formal action on June 8, 2010.

4. Accept a report on compliance with Open Government requirements for posting of public calendars by City officials on the City's web site. (City Manager)

Documents Filed: (1) Memorandum from Communications Director Tom Manheim dated May 17, 2010, forwarding a report on compliance with Open Government requirements for posting of public calendars. (2) Chart titled "Public Calendars – Weekly Updates: Percent of Officials in Compliance".

Action: The Committee accepted the report and modified calendar disclosure requirements by changing the posting deadline time from Noon to 5:00 p.m. on Mondays (or Tuesday when the posting deadline falls on a Monday holiday). The Committee forwarded the item to full Council on June 8, 2010.

**H. Rules Committee Reviews, Recommendations and Approvals (cont'd.)**

5. Approve the proposed revision to Council Policy 7-5, Naming of City-Owned Land and Facilities. (Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated May 14, 2010 providing the recommendation. (2) Draft Council Policy #7-5, revised May 7, 2010.

Action: The Committee accepted the Staff's recommendation.

**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**
  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**
- None.

**K. Open Forum**

(1) David Wall spoke regarding a recent incident involving an intoxicated foreign national. (2) Bill Chew promoted his candidacy for Mayor and thanked his supporters.

**L. Adjournment**

The meeting adjourned at 3:14 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee