



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
March 23, 2011

PRESENT: Mayor Reed, Vice-Mayor Nguyen and Councilmembers Oliverio and Herrera.

ABSENT: Councilmember Constant

STAFF: Assistant City Manager Ed Shikada, Assistant City Attorney Ed Moran, City Clerk Dennis Hawkins, Redevelopment Agency Assistant Director Gary Miskimon, Redevelopment Agency Deputy Executive Director Janet Kern, CMO Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Sara Wright, and Staff Technician Tamara Davis

A. City Council

1. Review Final Agenda for March 29, 2011

Action: The Committee approved the final agenda, as amended and authorized Sunshine Waivers for Items 2.x (Actions Related to the San Jose Environmental Innovation Center Project) and 4.1 (Actions Related to the Installation of a Fuel Cell Based Energy Saver System for the Ice Center).

2. Review of Draft Agenda for April 5, 2011

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

B. Redevelopment Agency (RDA)

1. Review Final Agenda for March 29, 2011

Action: The Committee approved the partial cancellation of the RDA afternoon session, but RDA will be available for the morning close session meeting.

2. Review Draft Agenda for April 5, 2011

Action: None – the Committee will review and discuss any agenda items at its next meeting.

C. Review of Upcoming Study Session Agenda(s)

None.

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell provided an update on the State budget. She reported that the state legislature has approved cuts, transfers, or loans of \$14 billion of the \$26 billion deficit. The Assembly fell one vote short of passing the legislation to eliminate the Redevelopment Agencies. There is discussion to include pension reform, spending caps, perhaps a reduction of some of the regulations in place with CEQA, the California Environmental Quality Act. Additionally, she reported on a proposal by the California Redevelopment Association (CRA) that is being promoted that would keep agencies intact with a number of reforms in place to allow them to keep operating with some authority. She responded to a question from Mayor Reed indicating that the Governor's proposal to terminate Redevelopment Agencies could be passed with a majority vote, but that the transfer of funds from the agencies would require a two-thirds vote by the Legislature. She also reported that the Governor may be considering some November ballot initiatives, which would not be tax extenders but new taxes, if the Legislature cannot approve language for an election in June.

2. Federal

The Mayor reported that he, along with Councilmembers Kalra and Constant met with 20 members of Congress. There is some discussion on repatriation of foreign earnings, which could be a huge benefit to San Jose and Silicon Valley firms because there are companies with tens of billions of dollars of profits they've made overseas that they won't bring back because they would have to pay an extra 25% in taxes. He also had discussions with Congresswoman Lofgren about the status of the SAFR grant issues. Intergovernmental Relations Director Betsy Shotwell will provide a report from the City's Washington D.C. Lobbyist, Patton Boggs, to Rules next week.

E. Meeting Schedules

None.

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated March 18, 2011 transmitting the Public Record for the week of March 11-17, 2011.

Councilmember Oliverio pulled Item (a) and expressed agreement with parts of the Library Commission's letter about the preservation of Library Services through unique ideas such as selling naming rights to the library, installing solar panel to reduce costs, and delaying the building of new facilities if you cannot operate them.

Councilmember Herrera pulled Item (d) and expressed her disappointed with PG&E's outreach of their Notices of Public Hearings and is concerned about the pipelines running through San Jose. She also expressed disagreement with the Library Commission's

recommendation to delay construction of the Southeast branch library, commenting that Evergreen has one library, which is very heavily used by the public.

Public Comments: David Wall pulled his Items (e) & (f) and provided additional comments.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments
None.
2. Workplans
 - a. Approve Amendment to Mobilehome Advisory Commission FY 2011 Workplan. (City Manager)

Documents Filed: Memorandum from Housing Director Leslye Corsiglia to Rules and Open Government Committee date March 16, 2011 submitting an Amendment to the Mobilehome Advisory Commission's 2011 Workplan.

Action: The item was dropped from the agenda, no action taken.

3. Annual Reports
None.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
None.
2. Approve memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated March 15, 2011 regarding the Great American Litter Pickup Event as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (City Clerk)

Document File: Memorandum from City Clerk, Dennis Hawkins to Rules and Open Government Committee date March 15, 2011 regarding the Great American Litter Pickup Event.

Action: The Committee approved the memorandum and forwarded to City Council for formal action on March 29, 2011.

I. Review of additions to Council Committee Agendas/Workplans

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

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- a. Approve the addition of the CPLE Quarterly Report to the Public Safety, Finance & Strategic Support Committee Agenda on April 21, 2011. (City Manager)

Document Filed: Memorandum from Deputy City Manager Deanna Santana to the Rules and Open Government Committee dated March 11, 2011 regarding the CPLE Quarterly Report.

Public Comment: David Wall believes that the Consortium for Police Leadership in Equity has misrepresented the research aspects of their program and the City should terminate their arrangement with CPLE with the appropriate 60-day notice.

Action: The Committee approved the addition of the CPLE Quarterly Report to the PSFSS Committee Agenda.

5. Rules and Open Government Committee
None.

J. Open Government

1. Appeals of Public Records Act Requests
None.

K. Open Forum

Public Comments: Martha O'Connell thanked and acknowledged Vice-Mayor Nguyen for helping to get the Mobilehome Advisory Commission (MAC) Workplan pulled off the Rules Agenda. She also informed the Committee that the MAC meeting minutes are inaccurate.

David Wall noted that he has spoken on several occasions about the inaccuracy of meeting minutes. He expressed that the system needs review and refinement, and discussed the purpose of Prop. 218.

L. Adjournment

The meeting was adjourned at 2:26 p.m.



Mayor Chuck Reed

Rules and Open Government Committee