



COUNCIL AGENDA: 6-14-11  
ITEM: 2.3(i)

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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
March 16, 2011

**PRESENT:** Vice-Mayor Nguyen and Councilmembers Oliverio and Herrera.

**ABSENT:** Mayor Reed and 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 Staff Technician Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright, and Staff Technician Tamara Davis

**A. City Council**

**1. Review Final Agenda for March 22, 2011**

Action: The Committee approved the final agenda, as amended. Item 9.1 (Public Hearing and Approval of the FY 2010-2011 Mayor's Budget Message) will be heard after the Consent Items.

**2. Review of Draft Agenda for March 29, 2011**

Action: The Committee approved the final agenda, as amended and requested a 14-day Sunshine Waiver for item 4.1 (Actions related to the Installation of a Fuel Cell Based Energy Saver System for the Ice Centre).

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for March 22, 2011**

Action: None – the meeting was cancelled.

**2. Review Draft Agenda for March 29, 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 Senate had not voted on the budget or the fate of Redevelopment Agencies. Currently, the Senate is lacking the 2/3 votes required to support the Governor's proposal and all the trailers bills.

**2. Federal**

None.

**E. Meeting Schedules**

None.

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated March 11, 2011 transmitting the Public Record for the week of March 4 -10, 2011.

Martha O'Connell pulled Item (d) and thanked Vice-Mayor Nguyen and State Assemblymember Jim Beall for their help regarding the Mobilehome Rent Control Ordinance.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

**1. Appointments**

- a. Approve the appointment of Leslie Gilroy, Center Director and Business & Community Liaison of Career Systems Development for the San José Job Corps, to serve as a private-sector representative on the SVWIN Board of Directors as required by law. (Mayor Reed)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee date March 11, 2011 recommending the appointment of Leslie Gilroy to the Silicon Valley Workforce Investment.

Action: The Committee approved the appointment.

- b. Approve the appointment of Daniel Earl to the Deferred Compensation Advisory Committee as a representative nominated by the American Federation of State, County and Municipal Employees, AFSCME Local 101 (the Municipal Employees Federation (MEF) and the Confidential Employees Organization (CEO)), for the remainder of the four-year term ending March 31, 2014 that will be made vacant by the retirement of the current representative. (Human Resources)

Documents Filed: Memorandum from Human Resources Acting Director Kay Winer to the Rules and Open Government Committee date March 16, 2011 recommending the appointment of Daniel Earl to the Deferred Compensation Advisory Committee.

Action: The Committee approved the appointment.

2. Workplans

- a. Approve the Senior Citizen Commission Workplan for FY 2010-2011.

Documents Filed: Memorandum from PRNS Director Albert Balagso to Rules and Open Government Committee date March 10, 2011 submitting the Senior Citizens Commission's Workplan for FY 2010-2011.

Councilmember Oliverio questioned if the commission will be meeting less than last year. Dan Wax, Division Manager, Parks, Recreation and Neighborhood Services confirmed that the commission is meeting quarterly, which is less than last year.

Martha O'Connell spoke in support of the commission's workplan. Additionally, she cautioned the City about eliminating the Senior Citizens Commission as they do work that advises the City, whereas the County's Commission advises the county; indicating that Supervisor Shirakawa has spoken of a Santa Clara County Seniors Agenda, a part of which is coordination with the City's Commission.

Action: The Committee approved the Senior Citizen Commission workplan for FY 2010-2011.

3. Annual reports  
None.

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

1. Workload Assessment for Council Requests and Referrals  
None.
2. Approve memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated March 9, 2011 regarding Grant Opportunities for Midtown Specific Area. (Councilmember Oliverio)

Documents Filed: Memorandum from Councilmembers Oliverio dated March 9, 2011, recommending (1) Direct and support the Administration to work proactively with our public agency partners like Valley Transportation Authority (VTA), private foundations, including asking our private sector partners to take the lead in investigating and executing grants that the City can sign on to as a partner to help secure funding to solidify all grant opportunities for the Midtown Specific area with special attention to grants that will assist in the funding of the West San Carlos Light Rail Station among other public transportation opportunities so that San Jose will get the most financial assistance.

Councilmember Oliverio provided additional comments on his memo, stating that it allows the City to move forward in seeking grants by having the City's private partners do some of the legwork: research and application. He expressed that in some cases the private sector may have an equal or greater incentive to see the grants come to fruition. He recommends the Council have a broader discussion about private sector partners having more ability to track down grants.

Acting Director of the Department of Transportation Hans Larsen provided the Committee with an example of the VTA co-op agreement and how it establishes the roles and responsibilities for developing an upcoming project. He expressed that the spirit of the memo reiterates the way the City is already doing business. He mentioned that staff could address Council about the strategic plan in developing the project and provide an assessment on how this stacks up against other priorities. He also informed the Committee that the Bay Area Region is developing a sustainable community strategy and identifying priority investments Bay Area wide.

Vice-Mayor Nguyen and Councilmember Herrera are supportive of the memo if it reaffirms what staff is already doing. However, if it's asking staff to take on additional work they cannot support it given the City's limited time and resources.

Assistant City Manager Shikada suggested reviewing the memorandum when staff comes back to Council with the VTA co-op agreement and using it to help structure the agreement as well as define the role of the developer moving forward.

Public Comments David Wall acknowledged Councilmember Oliverio for his innovative approach for trying to secure grants for the City. He also suggested that the City cease residential projects until they have consolidated their financial position and stabilized the organization.

Action: The Committee approved the recommendation with changes.

**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
5. Rules and Open Government Committee

None.

**J. Open Government**

1. Appeals of Public Records Act Requests
- None.

**K. Open Forum**

Martha O'Connell questioned the City Clerk about the Boards and Commissions Structural improvement report. Additionally, she suggested the City review the Boards and Commissions recruitment process.

David Wall mentioned that the City will start to see a rush of retirements. The retiree will wait the required time, by City policy, and come back as a private contractor. He does not agree with cutting the pay of employees who are paid out of restricted use funds, since these funds cannot be used to balance the deficit.

**L. Adjournment**

The meeting was adjourned at 2:39 p.m.



Mayor Chuck Reed

Rules and Open Government Committee