

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 25, 2011

PRESENT: Mayor Reed, Vice-Mayor Nguyen, and Councilmember Oliverio

ABSENT: Councilmember Constant

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

A. City Council

1. Review Final Agenda for May 31, 2011

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

2. Review of Draft Agenda for June 7, 2011

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

B. Redevelopment Agency (RDA)

1. Review Final Agenda for May 31, 2011

Action: The Committee cancelled the meeting except for closed or joint session items.

2. Review Draft Agenda for June 7, 2011

Action: The Committee approved the draft agenda.

C. Review of Upcoming Study Session Agenda(s) - None.

D. Legislative Update

1. State

Document Filed: (1) Memorandum from City Manager Debra Figone to the Rules and Open Government dated May 25, 2011 recommending support of ACA 4 (Blumenfield) – Local Government Financing, (2) Memorandum from City Manager Debra Figone to the Rules and Open Government dated May 25, 2011 recommending opposition of AB 506 (Wieckowski) – Local Government: bankruptcy: mediation; and (3) Memorandum from City Manager Debra Figone to the Rules and Open Government dated May 25, 2011 recommending support of AB 312 (Lowenthal, B.) – Civil Rights: Homeless Persons

Director of Intergovernmental Relations Betsy Shotwell did not provide a verbal status report on the State budget. Ms. Shotwell provided a summary of the three bills brought before Rules Committee.

b. ACA 4 would lower the required 2/3 (66.7%) vote to 55% for voters to fund infrastructure projects.

Action: The Committee approved the recommendation to support ACA 4 and referred the bill to the May 31 Council Agenda.

c. AB 506 would reduce local control if a city were pursuing declaring a bankruptcy and would add another layer at the state level. She reminded the Committee that the Council has previously opposed two earlier versions of this bill.

Action: The Committee approved the recommendation to oppose AB 506 and referred the bill to the May 31 Council Agenda.

d. AB 312: Ms. Shotwell asked for continuance on AB 312, indicating that she had not had a chance to review the bill's impact in conferring protected class status to persons who are homeless.

Public Comment: David Wall expressed his dismay of having his speaker card for ACA 4 and AB 506 overlooked and not being able to discuss these bills in their proper order. He mentioned that he would seek injunctive relief on this type of conduct. He expressed his opposition to AB 312. Mr. Wall offered additional comments regarding ACA 4 and AB 506

Action: Following public comment, the Committee took a vote on all three measures: recommended support for ACA 4 (Blumenfield) and opposition to AB 506 (Wieckowski) and forwarded the bills to Council for formal action on May 31, 2011. The Committee deferred action on item D.1.d, AB 312 (Fong) for one week.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated May 20, 2011 transmitting the Public Record for the week of May 13 – May 19, 2011.

David Wall pulled his items (f) and (g) and provided additional comments about St. James Park and employee ECO passes.

Martha O'Connell pulled her item (b) and acknowledges Mayor Reed and Vice-Mayor Nguyen for their leadership and preserving affordable housing in San Jose and reported on a recent vote by the Mobile Home Advisory Commission to not re-open its ordinance.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- a. **Approve the appointment of Clorama Sarah Dorvilias to the Housing and Community Development Advisory Commission to an un-expired term expiring on December 31, 2013. (Vice-Mayor Nguyen)**
- b. **Approve the appointment of Amal Sinha to the Human Rights Commission to an un-expired term ending on December 31, 2011. (Councilmember Chu)**
- c. **Approve the appointment of Brad Cox to the Library Commission to a term expiring on June 30, 2014**
- d. **Approve the appointments of Zheng Yu Huang and John Horton to the Small Business Development Commission to un-expired terms ending on December 31, 2013; and Richard Reed to an un-expired term ending on December 31, 2012.**
- e. **Approve the re-appointment of incumbents: Milton Cadena, Martha O'Connell, and Chaitanya Vaidya to the Senior Citizens Commission to terms expiring on June 30, 2014; and the appointments of Vincent Tarpey, Margaret Young, and Lynda Kelaita to the Senior Citizens Commission to terms expiring on June 30, 2014.**

Documents Filed: (1) Memorandum from Vice-Mayor Nguyen to the Rules and Open Government Committee dated May 11, 2011 recommending the appointment of Clorama Dorvilias to the Housing and Community Development Commission; (2) Memorandum from Councilmember Chu to the Rules and Open Government Committee dated May 10, 2011 recommending the appointment of Amal Sinha to the Human Rights Commission; (3) Memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated May 12, 2011 recommending the appointment of Brad Cox to the Library Commission; (4) Memorandum from Councilmember Chu to the Rules and Open Government Committee dated May 16, 2011 recommending the appointments of Zheng Yu Huang, John Horton, and Richard Reed to the Small Business Development Commission; (5) Memorandum from Councilmember Constant to the Rules and Open Government Committee dated May 20, 2011 recommending the re-appointments of

incumbents Milton Cadena, Martha O'Connell, and Chaitanya Vaidya and the appointments of Lynda Kelaita, Vincent Tarpey, and Margaret Young to the Seniors Advisory Commission.

Action: The Committee approved items G.1a – G.1e and forwarded to Council for formal action on June 7, 2011.

2. Workplans
3. Annual Reports
None.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
None.

**2. Consideration of a draft ordinance regarding Nonprofit Advocacy
(City Attorney/City Clerk)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle and City Clerk Dennis Hawkins to the rules and Open Government Committee dated May 20, 2011 regarding Nonprofit Financial Advocacy.

The Mayor recommended that this item be dropped and be taken up as part of the Biennial Ethics review.

Public comments: David Wall supports moving this item to the Biennial Ethics Review and believes the rate of \$100,000 for non-profits is too high.

Action: The Committee dropped the item.

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.

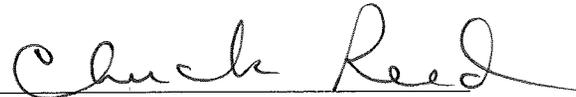
K. Open Forum

Public Comments: David Wall discussed the compostable planter boxes and their benefits to the environment.

Martha O'Connell discussed the sales tax and said an increase would be a regressive tax and asked that the Committee not support a sales tax increase.

L. Adjournment

The meeting was adjourned at 2:25 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in black ink and is positioned above a horizontal line.

Mayor Chuck Reed
Rules and Open Government Committee