



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 22, 2011

PRESENT: Mayor Reed, Vice-Mayor Nguyen and Councilmembers Constant and Oliverio

ABSENT: NA

STAFF: Assistant City Manager Ed Shikada, City Attorney Rick Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, CMO Agenda Services Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Tamara Davis

A. City Council

1. Review Final Agenda for June 24, 2011

Action: The Committee approved the final agenda, as amended, with Sunshine Waivers for Item 4.x (Construction and Funding Commitment for the First and Rosemary Family Apartments Project). Item 3.1 (a) & (b) (Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language) was deferred to the August 2, 2011 Council meeting; and noting that the Council may give direction regarding the opt-in retirement tier.

2. Review of Draft Agenda for June 28, 2011

Action: None – the meeting was cancelled.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for June 24, 2011

Action: The Committee approved the agenda, as amended.

2. Review Draft Agenda for June 28, 2011

Action: None – the meeting was cancelled.

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

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell provided a verbal status report on the State budget. She informed the Committee that the State Controller, pursuant to Propositions 25 and 5, has stated that he will not pay the legislators until they pass a balanced budget. The fate of RDA will not be determined until the final budget is passed. Governor Brown will issue a June revise, his version of the budget.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated June 17, 2011 transmitting the Public Record for the week of June 10 - June 16, 2011.

The Mayor commented on Item (b), indicating that the City Council took action on this item at the previous week's Council meeting to support keeping Tesla Motors in the Bay Area.

Public Comment: David Wall pulled Items (a) and (b) and provided additional comments regarding the Convention and Visitors Bureau and Tesla Motors.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments
 2. Workplans
 3. Annual Reports
- None.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
- None.

2. Approve the City Auditor's Fiscal Year 2011-12 Workplan.

Document Filed: Memorandum from City Auditor Sharon Erickson to the Rules and Open Government Committee dated June 16, 2011 regarding City Auditor's Fiscal Year 2011-12 Workplan.

City Auditor Sharon Erickson provided a summary and highlighted the items contained in the City Auditor's Office Fiscal Year 2011-12 Workplan. The City Auditor will report monthly to the Public Safety, Finance, and Strategic Support Committee. If needed, changes and additions will come back to the Rules Committee.

Public Comment: David Wall commented on employee turnover and expressed his opinion that the City Auditor should have complete control over auditing functions.

Action: The Committee approved the Auditor's Fiscal Year 2011-12 Workplan.

3. Approve the Rules Committee Meeting Schedule for July -December 2011.

Document Filed: Memorandum for City Clerk Dennis Hawkins to the Rules and Open Government Committee dated June 17, 2011 regarding Rules and Open Government Committee Meeting Schedule July - December 2011.

Public Comments: David Wall suggested having Council work year-round including July and December. He does not agree with cancelling any City Council meetings before or after holidays.

Action: The Committee approved the Rules and Open Government meeting Schedule for July - December 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

Document Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated June 22, 2011 regarding the Transportation and Environment Workplan.

The Mayor referred the memo to staff and directed staff to place the workplan on the July 27, 2011 Rules agenda.

Action: The Committee referred the memo to staff.

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

Document Filed: Letter from Harold Furtado to the Rules and Open Government Committee date June 22, 2011 regarding Gaming License Fees.

Public Comment: Harold Furtado, Garden City Casino, addressed the Rules Committee regarding the lack of response from the Police Department regarding his public records request for information regarding how the fees are set for permits for employees desiring to work in card rooms are determined as a part of the Gaming License Fees. He stated that the fee is \$400, even though the work is being done by the State, whether the permit is for an entry level employee, a key employee, a renewal, a title or position change, or a lost badge.

City Attorney Doyle asked that the item be agendaized for a July or August Rules Committee meeting as he and his staff have not had a chance to review the request and would like to properly respond to Mr. Furtado's inquiry.

The Mayor requested that staff take the item and respond to Mr. Furtado and that the Committee be copied on the response and the item be placed on the next Rules Committee agenda.

K. Open Forum

Public Comments: Martha O'Connell referenced an article in the Mercury News on June 20, 2011 *Coffee, Tea or Whee!* Which she believes to be racist, sexist, and offensive. The article discusses Vietnamese clubs and objectifies women.

David Wall discussed the elimination of "Eco Passes" which had been provided to City employees, City's fiscal emergency and suggested the City look at Parking Compliance as a revenue generator. He also believes that the Office of Economic Development does not perform and with the elimination of the Redevelopment Agency, they don't have the ability to entice businesses to come here at taxpayer expense and it is past their time to be eliminated.

L. Adjournment

The meeting was adjourned at 2:46 p.m.



Mayor Chuck Reed
Rules and Open Government Committee