

**RULES AND OPEN GOVERNMENT COMMITTEE**  
**Meeting Report**  
August 24, 2011

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

**ABSENT:** All Present.

**STAFF:** City Manager Debra Figone, Assistant City Manager Ed Shikada, Assistant City Attorney Ed Moran, City Clerk Dennis Hawkins, Redevelopment Agency Manager Abe Andrade, CMO Agenda Services Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Ruth Krantz.

**A. City Council**

**1. Review Final Agenda for August 30, 2011**

Action: The Committee approved the agenda, as amended.

**2. Review of Draft Agenda for September 6, 2011**

Action: No regular meeting due to holiday. The Closed Session start time was set for 1:30 p.m.

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for August 30, 2011**

Action: None, except for any Closed Session items, if necessary.

**2. Review Draft Agenda for September 6, 2011**

Action: None. Meeting Cancelled, except for any Closed Session items, if necessary.

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

**D. Legislative Update**

**1. State**

Intergovernmental Relations Director Betsy Shotwell reported that SB 931 (Vargas) will not be moved forward by Senator Vargas, and she provided an update on Assembly Bill 1178 (Ma) – Solid Waste: place of origin, recommending an ‘oppose’ position.

Documents Filed: City Council Action Request from Acting Director Environmental Services Kerrie Romanow, dated August 17, 2011, recommending an ‘oppose’ position of AB 1178 (Ma).

Public Comments: David Wall offered criticism of different departments coming in to lobby different types of legislation and suggested that they should instead go through the Office of the City Attorney.

Action: The Committee approved an ‘oppose’ position for AB 1178 (Ma) and forwarded the bill to the full Council for review and action on August 30, 2011.

**2. Federal**

None.

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated August 19, 2011 transmitting the Public Record for the week of August 12 - 18, 2011.

Councilmember Constant pulled Item (a) a letter from Martha O’Connell, Chair of the Senior Citizens Commission, and offered that this letter contains significant content to be addressed during a future discussion of boards and commissions.

Public Comment: (1) David Wall addressed Item (b) regarding management decisions of the San José Mercury News, Item (c), regarding the sick-leave buy-out policy for senior staff, and complained about the excessive number of motor homes parked on City streets. (2) Marie Hayter stressed the importance of the Senior Citizen Commission. (3) Richard McCoy supported the continuation of all boards and commissions (especially the Senior Commission), albeit with reduced staffing. (4) Martha O’Connell addressed her report Item (a) and criticized Staff for neglecting to quote the Senior Citizen’s Commission when providing recommendations to Council. She also recommended the abolishment of the County Care Commission due to lack of activity.

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. **Direct the City Auditor to add to her Workplan an audit of the Redevelopment Agency's participation in the incubator program. (Councilmember Liccardo)**

*Note: Joint San José City Council (Strategic Support Services 3.1)/Rules and Open Government Committee item.*

Documents Filed: (1) Memorandum from Mayor Reed dated August 19, 2011, providing recommendations regarding the incubator program. (2) Memorandum from Councilmember Liccardo, dated August 11, 2011, providing recommendations regarding the incubator program. (3) Memorandum from Councilmember Rocha, dated August 16, 2011, providing recommendations regarding the incubator program. (4) Memorandum from Councilmember Herrera, dated August 24, 2011, providing recommendations regarding the incubator program. (5) Letter from Mary Sidney, San José State University Research Foundation Chief Operating Officer, dated August 19, 2011, concerning Councilmember Liccardo's recommendations regarding an audit of the RDA's participation in the incubator program.

Public Comments: (1) Mary Sidney, San José State University Research Foundation, thanked the Committee for its attention to this issue. (2) David Wall pointed to political grandstanding and the mismanagement of the San José Mercury News as the crux of this issue.

Action: The memorandum from Mayor Reed, dated August 19, 2011 was approved, including items #2, 4 and 5 from Councilmember Herrera's memorandum of August 24, 2011, with the goal of performing an audit of the Redevelopment Agency's participation in the incubator program, as recommended in Councilmember Liccardo's memorandum of August 11, 2011, with the CED Committee to provide a recommendation to Council regarding the level and direction of the audit. (9-0-2. Absent: Chu, Rocha.)

- 3. Direct the City Manager and other Council Appointees through an info memo to provide Council with an assessment of the retention efforts directed towards senior management staff and the impact of staffing changes on communication with council offices. This information should be presented in an Information Memo by September 14, 2011. (Councilmembers Pyle and Herrera)**

Document Filed: Memorandum from Councilmembers Herrera and Pyle, dated August 18, 2011 regarding assessment of retention efforts and impacts of staffing changes.

Public Comments: David Wall blamed the sick-leave buy-out policy for contributing to the loss of qualified staff to retirement.

Action: Staff was directed to provide Council with an assessment of the retention efforts by September 14, 2011, with an extension to the end of September to be provided as needed.

- 4. Approve the District 4 Safety Resource Fair and Movie Night as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.**

Documents Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated August 18, 2011 requesting approval of District 4 Safety Resource Fair and Movie Night as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event. Forward to the City Council for formal action on August 30, 2011.

Action: The Committee approved the request and forwarded the item to the full Council for formal action on August 30, 2011.

- 5. Consider a request for a Waiver of the Revolving Door Restriction under Municipal Code Section 12.10.070, for Edith Ramirez, former Redevelopment Agency employee and forward to City Council for formal action on August 30, 2011.**

Action: Deferred to August 31, 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
  5. Rules and Open Government Committee
- None.

**J. Open Government**

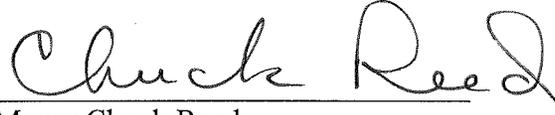
1. Appeals of Public Records Act Requests
- None.

**K. Open Forum**

David Wall remarked on the catalyst program and offered criticism of a revolving door policy .

**L. Adjournment**

The meeting was adjourned at 3:37 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee