

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
August 17, 2011

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

ABSENT: NA

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Assistant Director Abraham Andrade, 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 August 23, 2011**

Action: The Committee approved the agenda, as amended with a Sunshine Waiver for Items 3.x (Waiver of Revolving Door Restrictions) and 9.1 (Enforceable Obligation Schedule). The Committee moved Item 2.10 (Issuance of Bonds, Loan of Bond Proceeds, and Related Documents for the Taylor Oaks Apartments) to Section 4, Community & Economic Development. The Committee approved item 3.4 (Redistricting Advisory Commission Recommendations) to be heard first, followed by the evening land use items to be heard in the Agenda item order.

**2. Review of Draft Agenda for August 30, 2011**

Action: The Committee approved the agenda, as amended.

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for August 23, 2011**

Action: None - The agency did not have an agenda for August 23, 2011, other than the joint item (9.1), and staff will be available for closed session.

**2. Review Draft Agenda for August 30, 2011**

Action: None – The agency did not have an agenda for August 30, 2011, but staff will be available for closed session.

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

**D. Legislative Update**

**1. State - None**

Documents Filed: (1) Memorandum from City Manager Debra Figone to the Rules and Open Government dated August 17, 2011, recommending opposition to AB 931 (Vargas) – Public Employee Organizations, and (2) Memorandum from City Manager Debra Figone to the Rules and Open Government dated August 17, 2011, recommending opposition to AB 646 (Atkins) – Local Public Employee Organizations: Impasse Procedures.

Director of Intergovernmental Relations Betsy Shotwell reported that the State still has a revenue shortfall of one-half billion dollars. Additionally, she provided information on SB 931, which would prohibit funds from being used to consult with outside counsel; and AB 646, regarding impasse procedures.

Public Comments: David Wall suggested that if the City had prudent management, it wouldn't need outside counsel. He believes the bill is self-serving to employee relations type groups.

Action: The Committee approved the recommendations and forwarded to the City Council for formal action on August 23, 2011.

**2. Federal - None**

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated August 12, 2011 transmitting the Public Record for the week of August 5 - 11, 2011.

Public Comment: David Wall pulled his Item (f) regarding the City Manager's possible retirement countdown and discussed the sick leave buy out policy. He also noted that the City is losing tremendous amounts of qualified talent because of the sick leave buy out policy.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

1. Appointments
2. Workplans

- a. **Approve the Housing & Community Development Advisory Commission FY 2010-11 Accomplishments & FY 2011-12 Workplan. (Housing)**

Documents Filed: Memorandum from Housing Director Leslye Corsiglia to the Rules and Open Government Committee dated August 10, 2011 regarding the Housing & Community Development Advisory Commission FY 2010-11 Accomplishments & FY 2011-12 Workplan.

Action: The Committee approved the memorandum.

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.**

Document Filed: (1) Memorandum from Councilmember Liccardo to the Rules and Open Government Committee dated August 11, 2011 regarding the Incubator Program, and (2) Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated August 16, 2011 regarding the Incubator Program,

Action: The Committee deferred Item H.2 to September 24. The item will be re-noticed to include a Special Joint meeting of the Rules Committee and City Council scheduled for August 24, 2011.

3. **Approve the recommended action related to 1270 Campbell Ave.**

Document Filed: Memorandum from Councilmember Liccardo to the Rules and Open Government Committee dated August 11, 2011 regarding 1270 Campbell Avenue.

Public Comment: David Wall stated that the land should be given to Santa Clara University.

Action: The Committee referred the item to staff to provide guidance to the City Council and deferred the item to the August 31, 2011 Rules Committee meeting.

**I. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee

**J. Open Government**

1. Appeals of Public Records Act Requests

**K. Open Forum**

Public Comments: David Wall expressed his concerns regarding the prowess of people left in positions of responsibility at the Water Pollution Control Plant.

**L. Adjournment**

The meeting was adjourned at 2:32 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee