

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 2, 2011

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

ABSENT: Councilmember Constant

STAFF: City Manager Debra Figone, Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, Assistant City Clerk Toni Taber, CMO Agenda Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis

A. City Council

1. Review Final Agenda for November 8, 2011

Action: The Committee approved the agenda, as amended with a Sunshine Waiver for Item 4.1 (Urgency and Regular Ordinance Amending Zoning Code Regulations Pertaining to Medical Marijuana Collectives). Item 1.4 under Ceremonial items was deleted from the agenda. The City Clerk stated that Item 3.5 (Revolving Door Ordinance) will require a two-thirds vote to pass. The Joint City of San Jose City Council/Diridon Development Authority Agenda will be heard first after ceremonial items.

Review of Draft Agenda for November 15, 2011

Action: The Committee approved the agenda, as amended and deferred Item 1.6 under ceremonial items. The Committee assigned a Time-Certain to Item 6.1 (Authorization for the Issuance of Airport Revenue Bonds) to be heard at 2 p.m. after the ceremonial items, Civil Service Commission interviews to be heard not before 2:30, and Item 6.3 (15 MPH School Zone Pilot Program) to be heard last.

b. Redevelopment Agency (RDA)

1. Review Final Agenda for November 8, 2011

Action: The Committee cancelled the November 8, 2011 RDA meeting, but will be available for Closed Session items.

2. Review Draft Agenda for November 15, 2011

Action: None – The Agency did not have an agenda, but will be available for Closed Session items.

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

- a. Approve the Agenda for the City Council and Santa Clara Valley Water District Board Study Session meeting on November 14 2011, at 1:30 p.m. in Santa Clara Valley Water District Headquarters – Board Room. (City Manager)

The Mayor requested a presentation from staff on the status of the trails to be added to the end of the agenda.

Documents filed: Agenda from the City Manager, Debra Figone, to the Rules and Open Government Committee regarding the City Council and Santa Clara Valley Water District Board Study Session on November 14, 2011 at 1:30 p.m.

Public comments: David Wall suggested that staff should discuss the advanced water treatment facility and issues of toxicity and the brine discharged in the final effluent and the permitting of the facility.

Actions: The Committee approved the agenda with the addition of a presentation or status report on the joint trails efforts.

D. Legislative Update

1. State

Intergovernmental Relations Director, Betsy Shotwell, informed the Committee that the California State Association of Counties (CSAC), State Sheriff's Association, and probation officers have filed an initiative that would carve out 1.06 cents from the state's sales tax to pay for the county realignment. The money does not include payment or assistance to cities.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated October 28, 2011 transmitting the Public Record for the week of October 21 – October 27, 2011.

Public Comment: David Wall pulled his Items (c), (d), (e), and (f) and provided additional comments. He thanked Department of Transportation employees Joseph Flores and Jason Hernandez for providing excellent service to the City and his neighborhood.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees - None

1. Appointments
2. Workplans

- a. Approve the Bicycle and Pedestrian Advisory Committee, Downtown Parking Board, and Traffic Appeals Commission Workplans for FY 2011-12 and the Accomplishments for FY 2010-11. (City Manager)

Documents filed: Memorandum from Department of Transportation Director, Hans Larsen, to the Rules and Open Government Committee dated October 26, 2011 regarding the FY 11-12 Workplans for the Bicycle and Pedestrian Advisory Committee, Downtown Parking Board, and Traffic Appeals Commission; and the FY 10-11 Accomplishments.

Actions: The Committee approved the FY 11-12 Workplans and the FY 10-11 Accomplishments.

3. Annual Reports

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals

2. Approve the adoption of a resolution supporting the Santa Clara County Suicide Prevention Strategic Plan. (Councilmember Chu)
[Deferred from October 19, 2011 Rules meeting]

Documents filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated October 5, 2011 regarding Suicide Prevention Resolution.

Actions: As requested by Councilmember Chu, the Committee deferred Item H.2 to the November 9, 2011 Rules agenda.

3. Direct the City Manager to agendize Workforce Hiring Practices for Council consideration and potential discussion on policy direction regarding hiring practices of appointed senior staff positions.
(Councilmembers Rocha, Campos, Chu, Kalra, and Pyle)
[Deferred from October 26, 2011 Rules meeting]

Documents filed: Memorandum from Councilmembers Rocha, Campos, Chu, Kalra, and Pyle to the Rules and Open Government Committee dated October 20, 2011 regarding Workforce Hiring Practices.

Public Comments: David Wall expressed his disapproval of Councilmember Rocha's assessment of the City Manager's hiring practices. He believes that the Civil Service hiring practices of the past were more efficient than the tailored questions of the present, which he believes are biased.

Actions: The Committee directed the City Manger to respond to questions 1-3 of the memorandum in an informational memo and to provide demographic data for individuals who have been laid-off from the City over the last three years.

4. Direct the Administration to provide information about the San Jose Police Department Chaplain Program before January 2012, so that Council has the information prior to discussing the FY 2012 - 2013 budget.
(Councilmember Oliverio)
[Deferred from October 26, 2011 Rules meeting]

Documents filed: Memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated October 21, 2011 regarding the San Jose Police Department Chaplaincy Program.

Public comments: David Wall reminded the Committee that the Police Chaplaincy program is funded 100% through voluntary contributions.

Actions: The Committee directed the City Attorney to provide an informational memorandum as part of the budget process.

5. Approve the Extension of Term and Interim Re-appointment of the Fire Department Employee Representative to the Board of Administration of the Police and Fire Department Retirement Plan. (City Clerk)

Documents filed: (1) Memorandum from the City Clerk Dennis Hawkins to the Rules and Open Government Committee dated October 28, 2011 regarding the extension of the term of office and the reappointment of Sean Kaldor to the Board of Administration of Police and Fire Department Retirement Plan, and (2) Letter from Robert Sapien, Jr., President of San Jose Fire Fighters – IAFF Local 230, to City Clerk Dennis Hawkins regarding the election process for members of the San Jose Police and Fire Retirement Plan Board of Administration.

Actions: The Committee approved the extension of term and re-appointment of Sean Kaldor to the Board of Administration of Police and Fire Department Retirement Plan and forwarded to the Council for formal action on November 8, 2011 under the Consent items.

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.

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J. Open Government

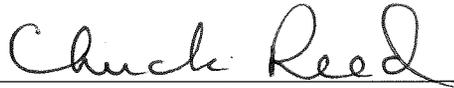
1. Appeals of Public Records Act Requests
None

K. Open Forum

Public Comments: David Wall suggested that the City put together a list of department heads that retire, cash out their sick leave, and get rehired. He commented on the option agreement for the sale of land for a downtown baseball stadium and also suggested eliminating the Mayor's policy advisors and funding the ECO pass program for employees with the savings.

L. Adjournment

The meeting was adjourned at 2:53 p.m.



Mayor Chuck Reed
Rules and Open Government Committee