

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 4, 2012

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

ABSENT: NA

STAFF: City Manager Debra Figone, Assistant City Manager Ed Shikada, City Attorney Richard Doyle, Assistant City Clerk Toni Taber, Redevelopment Agency Contract Manager Sandy Shaysteh, 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 January 10, 2012

Action: The Committee approved the agenda, as amended with Sunshine Waivers for Items 3.x (Approval of the terms of an Agreement with the San Jose Police Officers' Association), 3.x (Certificate of Sufficiency for the Referendum Petition to Repeal Ordinance No. 28960), and 7.x (Application for Federal WaterSMART Grant for the Construction of a Northern Regional Intertie to the South Bay Water Recycling System). The Committee changed the agenda language on Item 3.4 (Marijuana Business Tax) from public hearing on January 24, 2012 to public hearing no later than March 6, 2012.

Public Comment: David Wall suggested that Item 2.7 (Settlement with Applegate Johnston, Inc.) be deferred pending an investigation by counsel.

2. Review of Draft Agenda for January 17, 2012

Action: None – meeting cancelled

B. Redevelopment Agency (RDA)

1. Review Final Agenda for January 10, 2012

Action: The meeting was cancelled, but the Agency will be available for Closed Session items.

2. Review Draft Agenda for January 17, 2012

Action: None – meeting cancelled

C. Review of Upcoming Study Session Agenda(s)

Action: The Committee cancelled the Study Session date scheduled for January 17, 2012, and tentatively held January 30, 2012, for the discussion of the IBM Analysis of City departments.

D. Legislative Update - None

1. State

2. Federal

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated December 16, 2011 transmitting the Public Record for the week of December 9 - 15, 2011

Public Comments: David Wall pulled his Items (c) and (d) and provided additional comments. Mr. Wall thanked Mike Hannon of Code Enforcement for outstanding work.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees - None

1. Appointments

2. Workplans

- (a) Approve the Advisory Commission on Rents (ACR) Workplan for FY 2011-12 and FY 2012 -13 (January 1, 2012 – June 30, 2013). (City Manager's Office)

Documents filed: Memorandum from Housing Director Leslye Corsiglia to the Rules Committee dated December 15, 2011 regarding the Advisory Commission on Rents (ACR) FY 2012-13 Workplan.

Actions: The Committee approved the Workplan through the end of the 2011-2012 Fiscal Year, June 30, 2012.

- (b) Approve the Mobilehome Advisory Commission's (MAC) 18-month Workplan for January 1, 2012 to June 30, 2013. (City Manager's Office)

Documents filed: Memorandum from Housing Director Leslye Corsiglia to the Rules Committee dated December 15, 2011 regarding the Mobilehome Advisory Commission (MAC) FY 2012-13 Workplan.

Public Comments: David Wall discussed the Mobilehome Advisory Commission and the Advisory Commission on Rents and indicated that neither Workplan

addressed the issue of the sewer service and usage charge, the storm drain charge or garbage pass throughs.

Actions: The Committee approved the Workplan through the end of the 2011-2012 Fiscal Year, June 30, 2012.

- (c) Approve the Early Care and Education Commission Workplan for FY 2011-12, subject to continued City Boards and Commission consolidation efforts. (City Manager's Office)

Documents filed: Memorandum from Library Director Jane Light to the Rules and Open Government Committee dated December 13, 2011 regarding the Early Care and Education Commission Workplan FY 2011-2012.

Actions: The Committee approved the Workplan through the end of the 2011-2012 Fiscal Year, June 30, 2012.

3. Annual Reports

- (a) Approve the Library Commission's 2010-2011 Annual Report; and the 2011-2012 Workplan as recommended by staff, subject to continued City Boards and Commission consolidation efforts. (City Manager's Office)

Documents filed: Memorandum from Library Director Jane Light to the Rules and Open Government Committee dated December 13, 2011 regarding the Library Commission Annual Report and Workplan.

Actions: The Committee approved the Annual Report and Workplan through the end of the 2011-2012 Fiscal Year, June 30, 2012.

H. Rules Committee Reviews, Recommendations and Approvals - None

- 1. Workload Assessment for Council Requests and Referrals
- 2. Direct the City Attorney and the City Manager to:
 - a. Evaluate the various means by which the City can ensure that basic vacation, sick leave and holiday benefits are provided to contract employees, and report back to Council on the range of available options. As part of this analysis, staff should evaluate the possibility of adding criteria to our Request for Proposal (RFP) process that would award points based on the level of leave benefits a given proposer provides to employees.
 - b. With the assistance of the City's Human Resources staff, attempt to determine industry norms for provision of vacation, sick leave and holiday benefits that may be suitable as minimum standards for City contractors.
(Councilmember Rocha)
[Referred to the Rules Committee from the December 13, 2011 City Council meeting, Item 3.5]

City Attorney Richard Doyle mentioned that the Office of the City Attorney is in the process of reviewing the request and will have an answer for the Rules and Open Government Committee within 30 days.

Documents filed: Memorandum from Councilmember Rocha to Mayor Reed and City Council dated December 12, 2011 regarding the City's Landscaping Contract.

Public Comments: David Wall expressed his opinion that this is not economically viable and will cause an accounting nightmare.

Actions: The Committee referred the item to the Office of the City Attorney for review, who will work with the City Manager's Office, and return to the Rules Committee on February 1, 2012 with a legal review.

3. Approve the recommendation to support the California Disclosure Act (Councilmembers Chu and Kalra)

Documents filed: Memorandum from Councilmembers Chu and Kalra to the Rules and Open Government Committee dated December 13, 2011 regarding Recommendation to Support the California Disclosure Act.

Councilmember Chu discussed his memo and informed the Committee that the California Disclosure Act, authored by Assemblymember Julia Brownlee, would require full disclosure in the advertisements themselves of the largest major funders of all political television, radio, print, mass mailings and online advertising.

Director of Intergovernmental Relations, Betsy Shotwell, stated that the bill is a two-year bill, and the State Assembly is in the second year of a two-year session. The bill still needs to get out of the house of origin by the end of January, and it's still in its first committee. Ms. Shotwell mentioned that a vote is expected January 31, 2012 on the bill.

Public Comments: David Wall suggested that the bill include all funders, not just the largest donors. Mr. Wall suggested that this bill could add controls to a previous Supreme Court ruling that allows unlimited contributions and no way to track them.

Joseph Rosas expressed his support for the memo because he believes that the Citizens United Case is detrimental to democracy by allowing corporations to spend what they want anonymously to campaigns. This will bring transparency and require disclosure and stop paid political influence.

Jerry Hunt expressed his support for AB 1148 because the Citizens United Case deregulated non-candidate independent expenditures and there are no requirements for disclosure.

Greg Dunkerly expressed support for the California Disclosure Act because it allows corporations to spend as much money as they want from their corporate treasuries and it allows them to do so anonymously. Mr. Dunkerly mentioned that the bill is supported by the League of Women Voters, California Common Cause, the California Democratic Party, the Chicano Latino Caucus and the California Nurses Association.

Kara, a resident of San Jose, expressed support for AB 1148 because it will allow democracy to effectively happen in California.

David Eisbach stated that the Citizen United Case destroyed the McCain Feingold Act, and allows super-PACs to collect money without any notice about who is spending the money or making donations. Mr. Eisbach stated that the SuperPACs are out of control.

Kyle Hagerty expressed his support for AB 1148 because it will help voters make an informed decision based on who is financing the campaign.

Shaunn Cartwright supports AB 1148 because financial transparency is economic freedom and will create a more informed voter.

Shaian Mahammazi believes that voters need to know who they are voting for and who is funding the campaign. Mr. Mahammazi believes that the Citizens United Case hijacked democracy.

Actions: The Committee referred the item to staff for analysis and placed the item on the City Council's January 24, 2012 agenda for a vote by the full City Council.

4. Approve Council District 4 2012 Thank You Volunteer Event as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event, and forward to the City Council for formal action on January 10, 2012. (City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated December 16, 2011 regarding 2012 District 4 Thank You Volunteer Event.

Actions: The Committee approved the 2012 District 4 Thank You Volunteer Event, and placed the item on the January 10, 2012 City Council Agenda for formal action.

5. Approve the Ignite Your Future: Free Business Start-Up Seminar and Resource Fair Event as a City-sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event, and forward to the City Council for formal action on January 10, 2012. (City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated December 16, 2012 regarding Ignite Your Future: Free Business Start-Up Seminar and Resource Fair Event.

Actions: The Committee approved the Ignite Your Future: Free Business Start-Up Seminar and Resource Fair Event, and placed the item on the January 10, 2012 City Council Agenda for formal action.

6. Adopt a resolution giving notice of the City's intention to terminate its contract with CalPERS and direct staff to deliver this resolution to CalPERS; direct the City Attorney to present findings of the report to the City Council at the next City Council meeting, at which time, the City Council may choose to adopt an ordinance or resolution terminating its contract with CalPERS. (Councilmember Constant)

Documents filed: Memorandum from Councilmember Pete Constant to the Rules and Open Government Committee dated December 19, 2011 regarding the City's CalPERS Contract.

Actions: The Committee forwarded the item to the January 24, 2012 City Council meeting with a resolution for the City Council to consider.

- 7 Direct the Administration to begin the meet and confer process with the union to include the utilization of volunteers to help augment the daily workload needed to operate City libraries. (Councilmember Oliverio)

Documents filed: Memorandum from Councilmember Pierluigi Oliverio to the Rules and Open Government Committee dated December 21, 2012 regarding Utilizing Volunteers to Augment San Jose Libraries.

Councilmember Oliverio clarified that his memo is to start the dialogue with City staff on what roles and value volunteers could add to the city's libraries.

Library Director Jane Light mentioned that the Library currently has 1500 volunteers, and in the last six months they have contributed 24, 000 hours of service to the Library. Ms. Light mentioned that she likes the idea of a more formalized program however, the more volunteers the Library has, the more staff time will be required to train and support them.

Public Comments: David Wall suggested that the City Council do a study citywide to see how this idea can be applied to other City Programs and services.

Richard McCoy expressed his support for this idea and would like it expanded citywide. He believes this can be a win-win situation for the City if it keeps libraries open.

Tina Morrill believes the idea deserves consideration and suggested that it be piloted in a few branches to see how it works.

Wilma Hashi expressed her support for the idea and believes it can be very useful for the City to keep services.

Trixie Johnson, former Vice-Mayor of the City of San Jose, cautioned the Committee about making a decision without evaluating the issue from all sides. Ms. Johnson mentioned that it takes 8 -10 volunteers to replace a 40 hour a week position. She also stated that staff needs to look at the staff time to support a viable volunteer program.

Actions: The Committee referred the item to staff, and the Library Director, Jane Light, will come back to the Rules Committee with an analysis of the value volunteers can contribute to the library.

I. Review of additions to Council Committee Agendas/Workplans - None

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

J. Open Government - None

1. Appeals of Public Records Act Requests

K. Open Forum

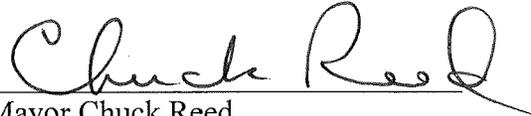
David Wall suggested that a study be done citywide about the viability of volunteers to help keep City services available to the public.

Paolo Calia, a freshman at Archbishop Mitty High School attended the meeting representing his community and helping him reach the rank of Eagle Scout with the Boy Scouts of America. He thanked the Committee for having their meetings, so he can meet his Eagle Scout requirement.

Alejandro Quinonez quoted Thomas Jefferson and reminded the Committee to take into consideration that human beings are being affected by the City Council's actions.

L. Adjournment

The meeting was adjourned at 3:16 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