



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 11, 2012

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

ABSENT: NA

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Redevelopment Agency Managing Director Richard Keit, 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 17, 2012

Action: None – meeting cancelled

Review of Draft Agenda for January 24, 2012

Public Comment: David Wall suggested that item 7.1 be deferred

Action: The Committee approved the agenda, as amended with Sunshine Waivers for Items 9.x (Actions related to the Dissolution of the Redevelopment Agency) with the option to move land use items to the afternoon if permissible.

b. Redevelopment Agency (RDA)

1. Review Final Agenda for January 17, 2012

Action: None – meeting cancelled

2. Review Draft Agenda for January 24, 2012

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)

1. Approve the City of San José Neighborhood Association/Youth Commission 2012-2013 Priority Setting Session, Saturday, January 21, 2012, 9:00 a.m. - 1:00 p.m. (City Manager)

Documents filed: Memorandum from City Manager Debra Figone to the Rules and Open Government Committee dated January 21, 2012 regarding the 2012-2013 Priority Setting Session.

Actions: The Committee approved the January 21, 2012 meeting for the 2012-2013 Priority Setting Session from 9:00 a.m. to 1:00 p.m. at City Hall in Wing 118-120 Committee Rooms.

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell informed the committee that the Governor released his proposed budget of \$92 billion plus, and there is a current deficit shortfall of \$4 billion, and going into next year \$5 billion. The Governor addressed the deficit with cuts of \$4 billion to health and human services and childcare. Additionally, he is looking to his ballot measure in November, which would increase taxes to provide additional revenue. The Governor does not propose eliminating the Enterprise Zones Program; he is looking to reform it. Currently, there is a bill pending which would extend the Redevelopment Agency from February 1 to April 15.

Mayor Reed informed the Committee of a letter he received from the Mayor of Los Angeles that he is recommending to his council that the City of Los Angeles not become the successor agency partly due to the concerns about pension fund liabilities in excess of \$100 million for their redevelopment agency. The Mayor noted that there are no pension liabilities for San Jose's Redevelopment Agency employees

City Attorney Doyle informed the Committee that his staff is studying the letter.

Ms. Shotwell also updated the Committee on SB 654 (Steinberg Bill), which stipulates that \$2 billion dollars for low and moderate income funds for housing will be maintained by the agency to be used for housing rather than going to the State.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated January 6, 2012 transmitting the Public Record for the week of December 16, 2011 – January 5, 2012.

Public Comments: David Wall pulled his Items (f), (h), and (i) and provided additional comments.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments
2. Workplans
 - a. Approve the Arts Commission Annual Report for FY 2010-2011 and Workplan for FY 2011-2012. (City Manager)

Documents Filed: Memorandum from the Director of Economic Development Kim Welsh to the Rules and Open Government Committee dated January 4, 2012 regarding the Arts Commission FY 2010-2011 Annual Report and FY 2011-2012 Workplan.

Public Comments: Bobby Yount, Chair of the Arts Commission, addressed the Committee on behalf of the Arts Commission. He highlighted the Commission's benefit to the City and City Staff, in particular the increase in grant money that has been brought into the City for Arts and Cultural Activities.

David Wall commented that if the City is going to have an Art tax, it must specify where the funds are going.

Action: The Committee approved the Annual Report for FY 2010-2011 and Workplan for FY 2011-2012 for the Arts Commission.

3. Annual Reports

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
2. Accept the Report on Posting of Public Calendars by City Officials on the City's Website. (City Manager)

Documents Filed: Memorandum from Director of Communications David Vossbrink to the Rules and Open Government Committee dated January 4, 2012 regarding public Calendars.

Public Comments: David Wall believes the reporting of public calendars is a waste of City resources and time.

Actions: The Committee accepted the report on Posting of Public Calendars by City Officials.

3. Delay the commencement of the Community Budget Survey and place the draft questions for the Community Budget Survey on the agenda for the earliest possible Council meeting. (Councilmember Kalra and Councilmember Campos)

Documents filed: Memorandum from Councilmembers Kalra and Campos to the Rules and Open Government Committee dated January 6, 2012 requesting a delay in the commencement of the Community Budget Survey and to place the draft questions for the Community Budget Survey on the Council Agenda for discussion.

Mayor Reed informed the Committee that he could not circulate the Community Budget Survey questions to the Council because of changes to the Brown Act. Since the survey has become part of the budget process, the Mayor indicated that he will work on the procedures for the budget process for next fiscal year.

Councilmember Kalra informed the Committee that his memo was intended to allow Council the opportunity to have input on the Community Budget Survey before it goes out to the public. He recognized the timeline, but suggested a delay of a few weeks to allow for Council review and comment.

City Attorney Doyle indicated that the problem was that previously the questions had been circulated by staff and the Council was not taking final action on the survey.

Actions: The Committee did not take action on Item H3.

I. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
 - a. Approve the Community and Economic Development Committee Workplan for the period of January 2012 through June 2012 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W120. (Mayor Reed and Councilmember Herrera)

Documents filed: Memorandum from Mayor Reed and Councilmember Herrera to the Rules and Open Government Committee dated January 5, 2012 regarding the Community and Economic Development Committee Workplan.

Public Comments: David Wall mentioned that there were misrepresentations by Cirque du Soleil. He also mentioned that he would like to see the City exit the Incubator business.

Actions: The committee approved the Community and Economic Development Workplan from January 2012 through June 2012.

2. Neighborhood Services and Education Committee
 - a. Approve the Neighborhood Services and Education Committee Workplan for the period January 2012 through June 2012 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Pyle)

Documents filed: Memorandum from Mayor Reed and Councilmember Pyle to the Rules and Open Government Committee dated January 4, 2012 regarding the Neighborhood Services and Education Committee Workplan.

Public comments: David Wall would like the City to emphasize the value of Animal Control Services and the way people and corporations can contribute to the program.

Actions: The committee approved the neighborhood Services and Education Committee Workplan from January 2012 through June 2012.

3. Transportation and Environment Committee
 - b. Approve the Transportation and Environment Committee Workplan for the period of January 2012 through June 2012 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Rooms W118-119.
(Mayor Reed and Councilmember Liccardo)

Documents filed: Memorandum from Mayor Reed and Councilmember Liccardo to the Rules and Open Government Committee dated January 5, 2012 regarding the Transportation and Environment Committee Workplan.

Public Comments: David Wall mention that the Transportation and Environment Workplan did not address the issue of the ECOPass and the deferred maintenance report on the streets needs to be discussed more vigorously and more frequently.

Actions: The committee approved the Transportation and Environment Workplan from January 2012 through June 2012.

3. Public Safety, Finance and Strategic Support Committee
 - a. Approve the Public Safety, Finance and Strategic Support Committee Workplan for the period of January 2012 through June 2012 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers or as noticed.
(Mayor Reed and Councilmember Constant)

Documents filed: Memorandum from Mayor Reed and Councilmember Constant to the Rules and Open Government Committee dated January 4, 2012 regarding the Public Safety, Finance and Strategic Support Committee Workplan.

Actions: The committee approved the Public Safety, Finance, and Strategic Support Workplan from January 2012 through June 2012.

5. Rules and Open Government Committee
 - a. Approve the Rules and Open Government Committee Workplan for the period of January 2012 through June 2012 and setting its meeting schedule as every Wednesday at 2 p.m. in the Committee Meeting Rooms.
(Mayor Reed)

City Clerk Dennis Hawkins informed the Committee that he submitted a replacement page of changes to the Rules and Open Government meeting dates to accurately reflect calendar meeting dates and holidays.

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 4, 2012 regarding the Rules and Open Government Committee Workplan.

Actions: The committee approved the Rules and Open Government Workplan, as corrected, from January 2012 through June 2012.

J. Open Government - None

1. Appeals of Public Records Act Requests

K. Open Forum

David Wall expressed his opinion that the Environmental Innovation Center is a dangerous concept and expressed concerns over various potential management issues.

L. Adjournment

The meeting was adjourned at 2:38 p.m.



Mayor Chuck Reed
Rules and Open Government Committee