

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
August 22, 2012

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

ABSENT: None

STAFF: City Manager Debra Figone, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Successor Agency Managing Director Richard Keit, 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 28, 2012

Public Comments: David Wall expressed his concerns about Item 2.13 (Certification and Submittal of 2011 – 2012 Stormwater Permit Annual Report) and Item 3.5 (Approval of Conduit Financing for Rocketship Seven Alma Academy Elementary School TERFA Hearing.)

Action: The Committee approved the agenda as amended with additions, and Sunshine Waivers for Items 3.4 (Special Operations Premium Pay Pilot for San Jose Fire Fighters, IAFF Local 230), 4.2 (e) (Actions Related to the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds for the La Moraga Apartments), 9.1 (Recognized Obligation Payment Schedules), 3.x (Ordinance regarding the role of the Federated and Police and Fire Retirement Boards on Personnel Matters), and 8.x (Response to Santa Clara County Civil Grand Jury Report Entitled "Continuity in Fire Service Delivery.")

2. Review of Draft Agenda for September 4, 2012

Action: None – the meeting was cancelled.

B. Review of Upcoming Study Session Agenda(s)

Action: The Committee scheduled a tentative priority setting meeting for October 9, 2012.

C. Legislative Update - Betsy Shotwell, Director of Intergovernmental Relations, stated that she did not have a report

1. State – None
2. Federal - None

D. Meeting Schedules – The Committee discussed that the September 10th meeting has been cancelled and that September 27th had been identified for the upcoming Council Priority Setting Session and Discussion on potential Study Session topics. Councilmember Constant commented that he would not be present on the 27th due to his attendance at the National League of Cities conference. City Clerk Dennis Hawkins indicated that Councilmember Chu would also be absent on the 27th for the same reason. The Committee directed the City Clerk to poll the Councilmembers for their availability on Tuesday, October 9 for a meeting on those topics. The City Clerk will report back at next week's meeting regarding the scheduling of a special meeting for the Priority Setting and Study Session items on October 9th.

E. The Public Record

Document filed: Memorandum from City Clerk Dennis Hawkins dated August 17, 2012 transmitting the Public Record for the week of August 10 - 16, 2012.

Public Comment: David Wall provided additional comments on Items (c) through (k).

Action: The Public Record was noted and filed

F. Boards, Commissions and Committees

1. Appointments

- a. Approve the appointment of Fabiola Czech, Market Human Resources Manager of Walmart Stores Incorporated in San Jose, California to serve as a private-sector representative on the Silicon Valley Workforce Investment Board of Directors as required by law. (Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated August 14, 2012 regarding Silicon Valley Workforce Investment Board Nomination.

Actions: The Committee approved Item F.1.a appointing Fabiola Czech to the Silicon Valley Workforce Investment Board.

2. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals

2. Approve the recommended City positions for five (5) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San Diego, September 5 -7. A one-week turnaround to the Mayor and City Council is requested. (City Manager)

Document filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rule and Open Government Committee dated August 13, 2012 regarding 2012 League of California Cities Resolutions.

Public Comment: David Wall expressed his opinion in support of the California Desert Protection Act and opposition to AB 32 (The Global Warming Solutions Act) is a bad law and urged the City Council not to support it.

Action: The Committee approved staff's recommendations and placed Item G.2 on the August 28, 2012 City Council agenda for formal action.

3. Approve staff's recommended set of guiding principles for legislative advocacy and investment strategies on the State's forthcoming Cap-and-Trade Program; and recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate the City's position on the Cap-and-Trade program. (City Manager)

Document filed: Memorandum from the Director of the Department of Transportation Hans F. Larsen, Housing Director Leslye Corsiglia, and Acting Director of Environmental Services Kerrie Romanow to the Rules and Open Government Committee dated August 16, 2012 regarding Cap-and-Trade Program Guiding Principles.

Committee Discussion: DOT Director Larsen and Director of Intergovernmental Relations Betsy Shotwell presented information and responded to Committee questions.

Public Comment: David Wall expressed his opinion that the Cap-and-Trade Program is a tax scam and bad legislation.

Action: The Committee approved staff's recommendations and placed Item G.3 on the August 28, 2012 City Council agenda for formal action.

4. Approve the District 6 Outside Movie Night as a City Council sponsored Special Event, approve and accept donations from various individuals, businesses or community groups to support the event, and place this item on the August 28, 2012 City Council Agenda for action. (City Clerk)

Document filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated August 17, 2012 regarding the District 6 Outside Movie Night.

Action: The Committee approved Item G.4 and placed this item on the August 28, 2012 City Council agenda for formal action.

H. 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

I. Open Government - None

1. Appeals of Public Records Act Request

J. Open Forum

David Wall discussed the \$1.3 million the City will have to pay to cover the administration funding for the Successor Agency to the Redevelopment Agency. Mr. Wall suggested giving up SARA and transferring it to the State of California. Mr. Wall also questioned why he was denied participation as an applicant for the Director of Environmental Services.

Martha O'Connell retracted her previous statement alleging that the City paid for travel for someone from the Parks, Recreation and Neighborhood Services Department to China. The travel costs were paid by the host country. Ms. O'Connell urged the City Council not to travel while the City is in a budget crisis. Ms. O'Connell asked if a draft of the Boards and Commissions Structural Improvement Report could be made available to the Senior Citizens Commission, so it can be discussed at their upcoming meeting.

The City Clerk confirmed that the report will be released on September 14, 2012 for the September 25, 2012 City Council Agenda.

K. Adjournment – 2:32 pm



Mayor Chuck Reed

Rules and Open Government Committee