

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
August 29, 2012

PRESENT: Mayor Reed, Vice-Mayor Nguyen and Councilmember Oliverio

ABSENT: Councilmember Constant

STAFF: City Manager Debra Figone, Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, CMO Agenda Services Manager Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis.

**A. City Council**

**1. Review Final Agenda for September 4, 2012**

Action: None – the meeting was cancelled.

**2. Review of Draft Agenda for September 11, 2012**

Public Comments: David Wall commented on Item 2.9 (City Pay Plan Amendments).

Action: The Committee approved the agenda as amended, with additions.

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

**C. Legislative Update**

**1. State**

Director of Intergovernmental Relations Betsy Shotwell informed the Committee that the State legislature is adjourning the legislative session on Friday, August 31, 2012. Ms. Shotwell stated that the Governor has announced a pension agreement and Charter cities such as San Jose and San Diego are not affected.

Mayor Reed stated that he's read several versions of the bill and talked with the Governor's staff, but until the bill is passed, we won't know what it is. He expressed that the plan will have a positive impact on the City of San Jose by closing the competitive gap as the State increases the retirement age, slows accrual rates, and requires State and local employees to pay more for their retirement benefits, which is what San Jose has done with Measure B.

**2. Federal - None**

#### **D. Meeting Schedules**

1. Agendize a Council study session for the purpose of discussing the City's response to recent public safety challenges for the evening of Tuesday, September 11 (or another appropriate date that allows the meeting to take place as soon as possible).

Documents Filed: (1) Memorandum from Mayor Reed and Councilmembers Rocha, Campos, and Herrera to the Rules and Open Government Committee dated August 23, 2012 regarding Public Safety Study Session, (2) Memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated August 28, 2012 regarding Utilize Police Reserves For the SJP, (3) Memorandum from Councilmembers Rocha and Campos to the Rules and Open Government Committee dated August 28, 2012 regarding Public Safety Study Session, (4) Memorandum from Councilmember Kalra to the Rules and Open Government Committee dated August 29, 2012 regarding Examine Options for Law Enforcement Assistance, (5) Memorandum from Councilmember Herrera to the Rules and Open Government Committee dated August 29, 2012 regarding Public Safety Study Session.

Public Comment: David Wall thanked the San Jose Police Department for their gang suppression efforts, and suggested asking the federal government for military police assistance to deal with the gang issue, since it is a nationwide issue.

Action: The Committee set a special Council Study Session for September 18, 2012 at 7:00 p.m., with closed session beginning at 6:30 p.m. subject to further review of the Agenda by the Rules Committee. The memorandums were forwarded to staff for follow-up.

2. Approve Tuesday, October 9, 2012 at 1:30 p.m. in the City Council Chambers for the Council Priority Setting Study Session. (City Clerk)

Document Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated August 24, 2012 regarding Scheduling the Council Priority Setting Study Session.

Action: The Committee approved Tuesday, October 9, 2012 at 1:30 p.m. in the City Council Chambers for the Council Priority Setting Study Session and a discussion of study sessions and how the Council makes decisions on topics, etc.

#### **E. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated August 24, 2012 transmitting the Public Record for the week of August 17 - 23, 2012.

Public Comment: David Wall provided additional comments for Items (i) – (p).

Martha O'Connell referenced item (g), and stated the Mike Graves is a commissioner on the Mobile Home Advisory Commission (MAC) and did not agree to consolidation. Ms. O'Connell stated that the MAC meetings are poorly managed, and political statements at MAC meetings are inappropriate.

Action: The Public Record was noted and filed

**F. Boards, Commissions and Committees - None**

1. Appointments
2. Workplans
3. Annual Reports

**G. Rules Committee Reviews, Recommendations and Approvals – None**

1. Workload Assessment for Council Requests and Referrals

**H. 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
  - a. Approve an amendment to the FY 12 -13 Workplan for the Transportation and Environment Committee to add an update on Transportation Innovations to the Transportation and Environment (T&E) Committee work plan for placement on the October 1, 2012, T&E Committee Agenda. (City Manager)

Document Filed: Memorandum from Director of Planning Building and Code Enforcement Joseph Horwedel to the Rules and Open Government Committee dated August 23, 2012 regarding Transportation Innovations.

Public Comment: David Wall expressed his concerns about the inclusion of SPUR as a stakeholder, and believes the public should have input into the skeletal framework of City ordinances, not special interest groups.

Action: The Committee approved the amendment to the Transportation and Environment Committee workplan, and placed Item H.3.a on the Transportation and Environment Committee Agenda for October 1, 2012.

4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

**H. Open Government – None**

1. Appeals of Public Records Act Request

**J. Open Forum**

David Wall urged review of sections 411 and 411.1 of the City Charter related to appointing authority of an appointed or acting director of a department. He commented on Auditor's report on the Environmental Services Department.


Martha O'Connell suggested consolidating the Mobile Home Advisory Commission with the Housing and Community Development Commission and/or the Advisory Commission on Rents.

RULES AND OPEN GOVERNMENT COMMITTEE MEETING REPORT

August 29, 2012

Page 4

**K. Adjournment – 2:35 pm**

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in dark ink and is positioned above a horizontal line.

Mayor Chuck Reed

Rules and Open Government Committee